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of The New Haven Colony Historical Society

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THE NEW HAVEN COLONY HISTORICAL SOCIETY was founded in 1862 by a representative group of New Haven citizens. As stated in the Constitution adopted by the Society, revised in 1965:

"The object of the Society shall be the collection, preservation and publication of historical and genealogical matter relating to the early settlement and subsequent history, especially of New Haven and its vicinity, and incidentally of other portions of the United States."

The museum and library of the Society are open to the public. There is a fee of $2 to non-members for use of the library; the museum is open free of charge. In addition to the Whitney Avenue building, the Society owns the Pardee-Morris House at 325 Lighthouse Road, Morris Cove, New Haven. Built originally about the middle of the eighteenth century, it was burned during the British invasion in 1779. Rebuilt at once, it incorporates surviving portions of the older structure. The Pardee-Morris House is now restored and furnished appropriately and is open to the public during the summer months.

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Cover: La Amistad. Watercolor on paper by an unknown artist. Connecticut after 1839. New Haven Colony Historical Society, gift of Simeon E. Baldwin, 1919.

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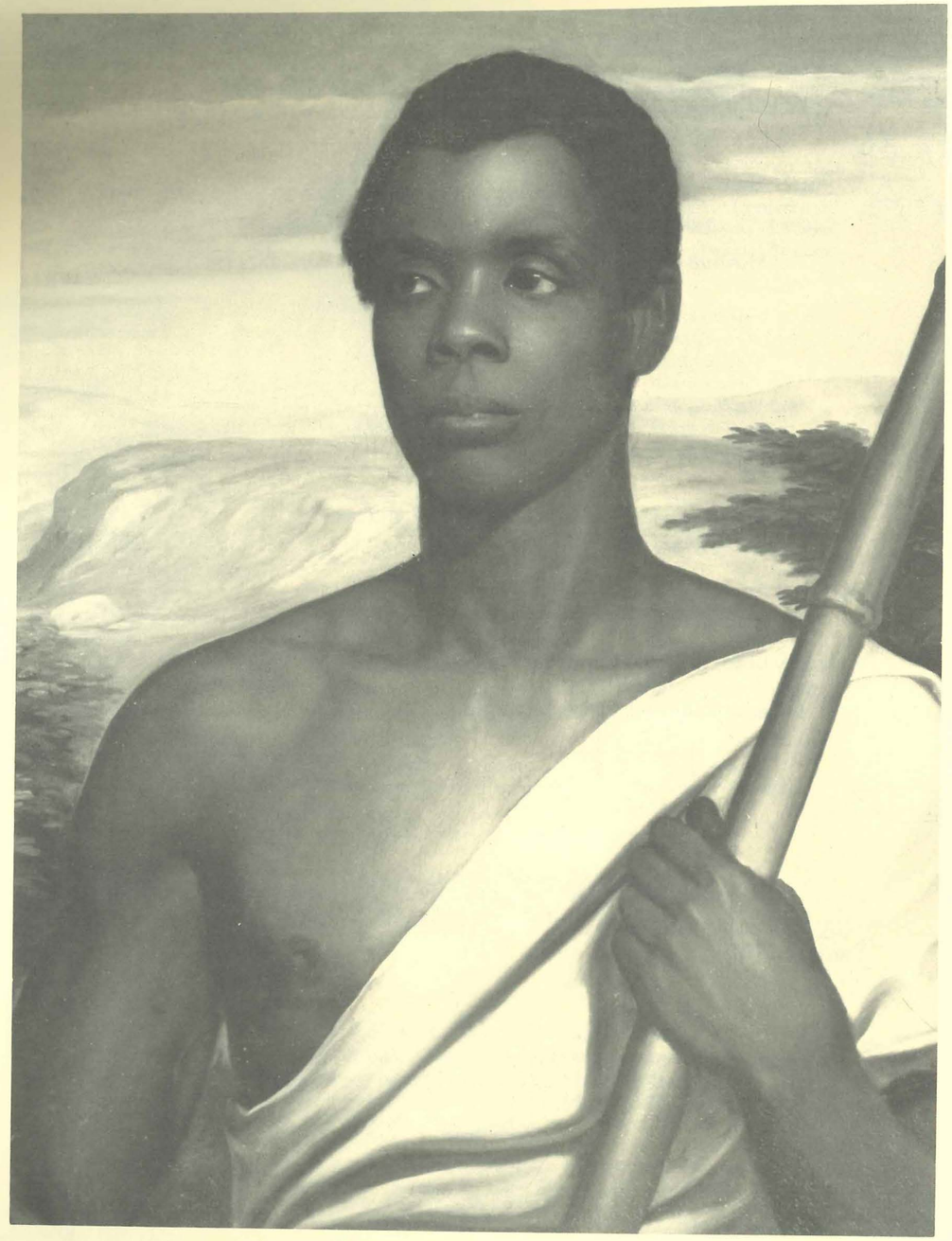


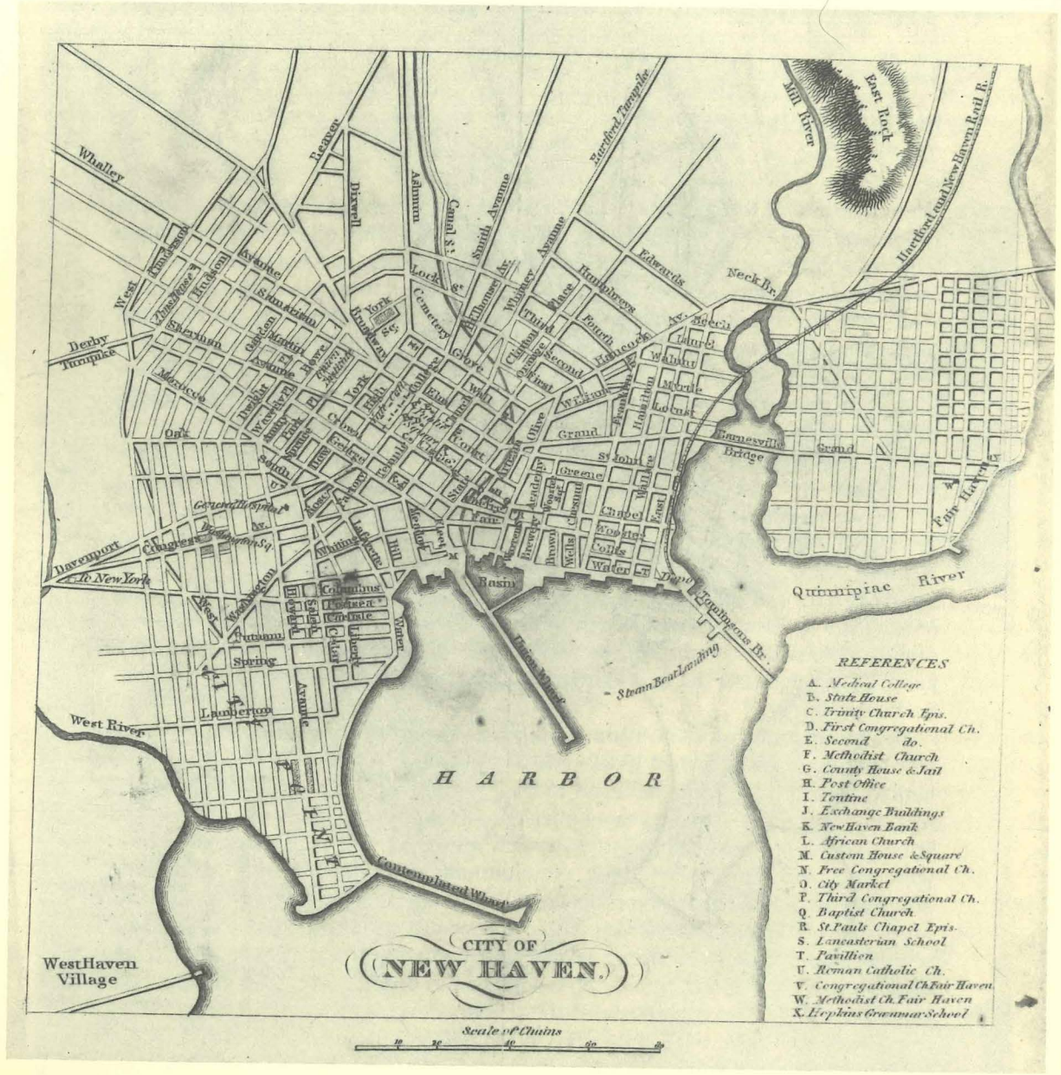
Cinque (d. 1879). Oil on canvas by Nathaniel Jocelyn (1796–1881). New Haven, c. 1840. New Haven Colony Historical Society, gift of Dr. Charles B. Purvis, 1898.

The Amistad Case and Its Consequences in U.S. History

by Clifton Johnson

Set in the floor of the rotunda of Savery Library at Talladega College in Alabama is a bas-relief of the ship *La Amistad*. It is a tradition at the college that the plaque is never stepped upon. On the walls are three dramatic and colorful murals by Hale Woodruff that depict the revolt, trial, and return to Africa of the Mendians who were the central characters in what is commonly known as the Amistad Incident. Talladega is one of nine prestigious American institutions of higher learning existing today that trace their heritage to the Amistad Incident. Other institutions that share this heritage include Ryder Hospital in Puerto Rico, which celebrated its seventy-fifth anniversary in 1989, and the Amistad Research Center, a major archive for the study of America's ethnic history located on the campus of Tulane University in New Orleans. Poems have been written about the incident, notably by William Cullen Bryant, Robert Hayden, and Oscar Bouise. In addition to numerous published historical accounts, two novels, one "comic" book, and at least three film scripts based on the incident have been written. The noted composer Hale Smith has written a secular cantata, *Meditations in Passage*, about it. For many Americans and Africans the Amistad case is a cherished symbol in the continuing struggle for human freedom and justice. But what was the Amistad Incident and why has it continued to capture such wide interest?

In the summer of 1839, numerous ships reported sighting a long, black schooner manned by armed blacks cruising not far from the eastern shore of the United States. It was first believed to be a pirate ship. Then, a story of a slave rebellion aboard a Cuban vessel surfaced. Some American sea captains had attempted to board the ship but met such resistance from the blacks that they were forced to withdraw. Finally, the commander of the Brooklyn Navy Yard ordered a search for the mysterious vessel. On August 26, Lieutenant Richard W. Meade, on board the USS *Washington*, a revenue cutter, spotted the battered schooner about a mile off Long Island near Culloden Point. Meade alerted his commander, Lieutenant Thomas R. Gedney, who ordered him to seize the ship. When Meade and his crew boarded the schooner, named *La Amistad*, they found, in addition to blacks, two whites, Pedro Montes and José Ruiz. Meade could not communicate with the blacks, who spoke neither English nor Spanish, but he could converse with the Spaniards. He spoke some Spanish and Ruiz spoke English. He was told that *La Amistad* had left Havana two months earlier for a three-hundred-mile coastal voyage to Guanaja with a cargo of merchandise and



City of New Haven. Engraved map from *Patten's New Haven Directory for the Years 1841–2*. New Haven Colony Historical Society.

fifty-three slaves on board, forty-nine adults being the property of Ruiz, and four children, three girls and a boy, belonging to Montes. On the third night, under the leadership of one of their number, Cinque, the blacks rose in revolt and killed the cook and the captain, Ramón Ferrer, who was also the owner of the vessel. Two crew members jumped overboard; the cabin boy, Antonio, a slave of the captain, was allowed to live, as were Ruiz and Montes but only because they were needed to sail the ship to Africa. Sailing toward the rising sun during the day, as directed by the blacks, the Spaniards secretly turned the vessel toward the northwest at night, hoping to reach American soil. Two of the blacks had been killed during the revolt, and eight other adults died at sea.

Some of the blacks, including Cinque, were on shore when Meade boarded the ship. When they returned, they were seized, but not without resistance. Lieutenant Gedney then took his prize in tow and set sail for New London, Connecticut. It is not clear why Gedney chose to go to New London rather than to a New York port. It was later charged that he did so because slavery was legal in Connecticut and not in New York, which meant that salvage rights to slave property would not be considered in New York courts.*

Arriving in New London on August 27, Gedney sent a message to the United States marshal at New Haven, who went immediately to see United States District Judge Andrew T. Judson. The two men left that day for New London. Judge Judson opened a hearing on board the *Washington* on August 29 in New London harbor with *La Amistad* only a few yards away. After Judson examined the ship's papers and heard the testimony of Ruiz and Montes, along with their request that the ship and its cargo, including the blacks, be handed over to the Spanish consul in Boston, Cinque and thirty-eight of his companions were bound over to the next session of the United States Circuit Court to be held at Hartford on September 17. The blacks were to be charged with murder and mutiny. The captives, now forty-four in number—including Antonio and the children, who were held as material witnesses—were then placed on a sloop to be transported to New Haven, where they were to be confined in jail until the Circuit Court trial. Meanwhile, Gedney and Meade had laid claim for salvage of *La Amistad* and its cargo.

At this time, the foreign slave trade in Spain and its colonies had been outlawed by treaty with Great Britain in 1817 and by royal decree of the queen in 1838. Dwight P. Janes, a Connecticut abolitionist, knew this, and the day following Judson's decision he wrote to Roger Sherman Baldwin, the distinguished attorney who would later become the state's governor and a United States senator. Janes said that Ruiz had told one person that he had bought the forty-nine men from a foreign slave trader and then had taken them directly aboard *La Amistad*. Janes wrote, "At any rate they cannot have been at Havana long enough to become subjects of Spain. None of them can speak anything but their native language.... It seems clear that the schooner was engaged in an unlawful business." Janes said that abolitionists in New London

had directed him to ask Baldwin to find some African who could speak the language of the prisoners so that they could tell their story. Janes also wrote to Josiah Leavitt, editor of the *Emancipator,* requesting that Leavitt check in New York the validity of *La Amistad*'s papers and the Spaniard's legal title to the Africans as slaves. The next day, Janes again wrote to both Baldwin and Leavitt, requesting that Leavitt ask Baldwin to take the case of the blacks.

News of the case spread. By September 4, New Yorkers Joshua Leavitt, Simeon S. Jocelyn, and Lewis Tappan, all stalwart abolitionists,* had established themselves as a committee and were conducting a nationwide appeal for funds to provide for the legal defense and other needs of the imprisoned blacks, who, according to the three abolitionists, had been "piratically kidnapped from their native land, transported across the seas, and subjected to atrocious cruelties." The line of defense was thus developed and counsel employed. Along with Baldwin, Seth P. Staples and Theodore Sedgwick of New York made a brilliant and distinguished defense team, but all sensed that the case would be lost if the blacks did not have the opportunity to tell their story. A desperate search began. Day after day, persons from near and far who spoke any African language were taken to see the captives. The effort was only partially successful. On September 6, Lewis Tappan brought three native Africans from New York to see the captives. One of the three, John Ferry, a native of the Kissi tribe who had spent some time in Mendi country in Sierra Leone, was able to converse with some of them to a limited extent. He was able at least to obtain sufficient facts to corroborate the contention of the abolitionists that the blacks were native Mendians who had been kidnapped in Africa and illegally sold into slavery in Havana. The abolitionists were encouraged.

Meanwhile, the Spanish government had made demands upon the United States concerning *La Amistad.* On September 6, the Spanish minister, Angel Calderón de la Barca, wrote to John Forsyth, the secretary of state. Forsyth, a former congressman and governor of Georgia, had been minister to Spain from 1819 to 1823. He was a defender of slavery. The Spanish minister told Forsyth that when *La Amistad* had been "rescued" by the *Washington* the vessel should have been set free to return to Cuba so that the blacks could have been "tried by the proper tribunal, and by the violated laws of the country of which they are subject." Since this had not been done, he now requested

> 1st. That the vessel be immediately delivered up to her owner, together with every article found on board at the time of her capture by the *Washington,* without any payment being exacted on the score of salvage, nor any charges made other than those specified in the [Pinckney] treaty of 1795, article 1st.
>
> 2d. That it be declared that no tribunal in the United States has the right to institute proceedings against, or to impose penalties upon, the subjects

of Spain, for crimes committed on board a Spanish vessel, and in the waters of the Spanish territory.

3d. That the negroes be conveyed to Havana, or be placed at the disposal of the proper authorities in that part of Her Majesty's dominions, in order to their being tried by the Spanish laws which they have violated; and that, in the meantime, they be kept in safe custody, in order to prevent their evasion.

4th. That if, in consequence of the intervention of the authorities of Connecticut, there should be any delay in the desired delivery of the vessel and the slaves, the owners both of the latter and the former be indemnified for the injury that may accrue to them.

In support of this request, the Spanish minister invoked "the law of nations, the stipulations of existing treaties, and those good feelings so necessary to the maintenance of the friendly relations that subsist between the two countries, and are so interesting to both." Specifically, the Spanish appeal cited four articles of Pinckney's Treaty, which had been reaffirmed by the Adams-Onis Treaty of 1819. U.S. President Martin Van Buren had no strong views on the slavery question, but he depended upon the support of southern Democrat slaveholders and wished to maintain his position of power. And 1840 was a presidential election year. Therefore, Secretary Forsyth, on September 11, instructed United States District Attorney William D. Holabird to "take care that no proceedings of your Circuit Court, or of any other judicial tribunal, place the vessel, cargo, or slaves beyond the control of the Federal Executive." The instructions came too late, for the case had already been placed on the docket of the Circuit Court.

Before the hearing, another claim had been levied against *La Amistad* and its cargo. While on shore before their capture by the *Washington,* Cinque and his companions had met some seamen, including a Captain Henry Green, and had tried to enlist the seamen to take them to their homeland. These seamen now entered a libel for salvage, holding that they had aided in the capture of the Africans. When the trial began on September 17, the issues before the Circuit Court, in addition to the criminal charges, were the following:

1. Lieutenant Gedney and his crew had libeled the vessel, the cargo, and Africans for salvage.
2. The libels of Green and his associates.
3. Ruiz and Montes had filed claims to the Africans as their slaves.
4. The United States Attorney of the District of Connecticut had filed an information stating that the minister of Spain had claimed of the government of the United States that the vessel, cargo, and slaves

should be restored under provisions of the Pinckney Treaty. The information asked that the court make such an order, or, if it should appear that the blacks had been brought from Africa, in violation of the laws of the United States, the court would make an order for their return to Africa.

5. A claim for Antonio had been filed by the Spanish consul on behalf of the heirs of Captain Ferrer.
6. Cuban merchants, owners of part of the cargo of the vessel, had filed claims for their property, denying salvage and asserting their right to have same delivered to them under treaty.
7. The blacks, except Antonio, filed an answer, denying that they were slaves, or the property of Ruiz or Montes, and denying the right of the court under the Constitution and laws of the United States to exercise any jurisdiction over their persons, claiming that they had been kidnapped in Africa the previous April and carried illegally to Cuba.

When the trial opened, Seth P. Staples asked for a writ of habeas corpus directing the United States marshal to release the young girls from jail since they were charged with no crime. District Attorney Holabird asked the court to issue a mandate placing the matter in the hands of the president, who should decide whether the captives ought to be delivered up to Spain or returned to Africa. Baldwin argued that the captives were not Spanish subjects, but native Africans, and guilty of no crime: they had acted only in self-defense against illegal enslavement. Both the Spaniards and the Africans testified, the latter through John Ferry. On the fourth day of the trial, the presiding judge, Justice Smith Thompson of the United States Supreme Court, gave his opinion: (1) neither the United States Circuit Court nor any other American court had jurisdiction over the charges of murder and mutiny in this case, since the alleged crimes had been committed on a Spanish ship and in Spanish waters; (2) the various property claims that had developed must be decided in a United States District Court; (3) the writ of habeas corpus for the release of the girls was denied while the property claims were pending.

Immediately following the adjournment of the Circuit Court, Judge Judson convened the District Court in the same room. In his opinion the property claims needed further investigation, and he set the third Tuesday of November for hearing the case in New Haven. Judson was willing to release the captives on bail, since they were no longer charged with a crime, but the amount of the bail must depend on their appraisal as slaves in the Cuban market. The abolitionists refused to allow them to be given a monetary value as chattel, and they were returned to jail. However, Judson then directed the United States marshal to remove them from the New Haven jail and hold them elsewhere until the trial. Eventually quarters were found for the males in Westville, and the three girls stayed in the home of the jailer, Colonel Stanton Pendleton, and his wife.

In the third week of October, newspaper headlines announced that Montes and Ruiz had been arrested in New York City on warrants brought by two of the Africans charging them with assault, kidnapping, and false imprisonment. This incident was recognized by all as the work of the abolitionists, not the Africans. Conservatives were horrified; most people blamed Lewis Tappan, the real leader of the Amistad Committee and one of the nation's most determined—some said fanatical—abolitionists.

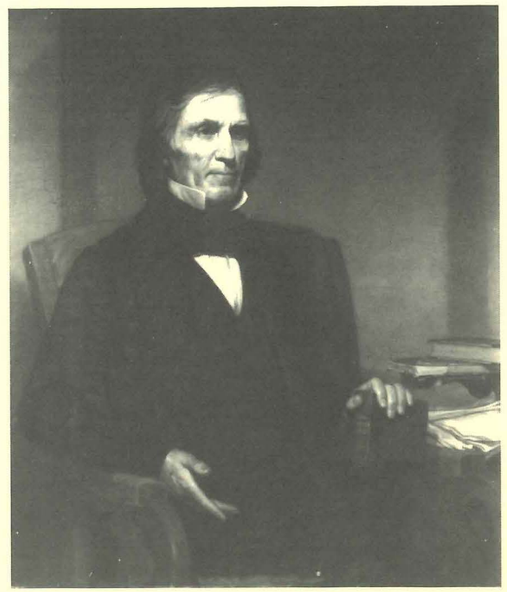
Bail for the two Spaniards was fixed at $1,000 each. Montes paid his bail and immediately departed for Cuba, but Ruiz chose to remain in jail, hoping to create public sympathy on his behalf, an effort that was to prove successful. Forsyth instructed the U.S. district attorney to give the Spaniards all the assistance in his power. The New York *Courier & Enquirer* accused the abolitionists of "making sport of the law and perverting the power of the courts of justice to factious and fanatical ends." The *New Haven Register* said, "After the fatigues and hardship which they [Montes and Ruiz] endured on their late cruise in the Atlantic, and the personal violence and abuse they received from Cinque and his fellows, to be thus shamefully dealt with . . . is abominably wicked."

The Spanish minister lodged a furious protest with the Department of State and observed that the New York courts had no jurisdiction over alleged crimes committed in Cuba. Regardless of how justifiable the charges brought against the two Spaniards might have been, it appeared that the abolitionists had made a tactical error. Even moderate antislavery men were repelled by the action. However, in spite of his comfortable quarters and the special treatment accorded him, Ruiz apparently soon tired of his confinement. He posted bail and returned to Cuba. Neither he nor Montes attended the trial of the case in District Court.

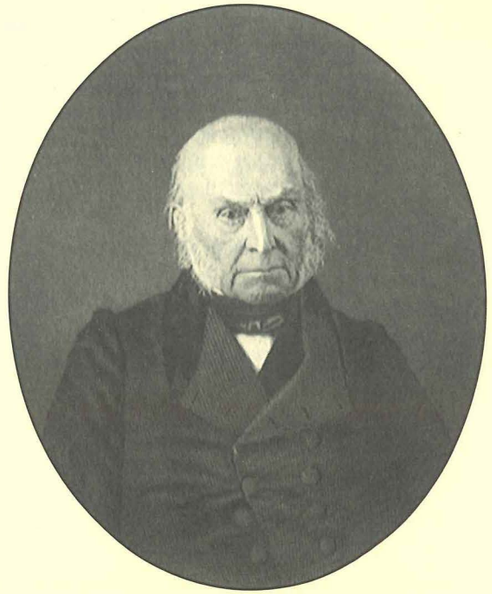
Ferry had not been too effective in the trial before the Circuit Court, so the search for an interpreter continued until one was found who was more confident and had better knowledge of Mendi, the prisoners' native language. Josiah Willard Gibbs, professor of theology and sacred literature at Yale, had taken a great interest in the captives, and after their return to New Haven, he resumed his efforts to communicate with them. He learned to count to ten in Mendi. He then went to New York, where he walked up and down the docks counting until he found a person who understood him. The man's name was James Covey, and he was a seaman on the British warship *Buzzard*, which had been on slave patrol and had put into New York for supplies. Covey was about twenty years old and a native Mendian. He had been captured and sold as a child but before reaching America had been rescued by the British patrol. Since then he had lived in Freetown, Sierra Leone. He spoke and thought in English, but he did remember his native tongue. Professor Gibbs took Covey to New Haven, along with another sailor he had found who had some knowledge of Mendi. The African then began to fill in the details of their story, which was corroborated by Spanish documents and a deposition taken from Dr. Richard Robert Madden, a member of the Anglo-Spanish Commission charged with the suppression of the African slave trade.

The Mendians of *La Amistad* had been among five or six hundred Africans purchased by a Portuguese slave trader the previous April from Pedro Blanco, who operated a notorious slave factory on the island of Lomboko, south of Freetown. They had been brought from Africa on board the Portuguese slaver *Tecora* to Havana, where they were moved under cover of darkness to a barracoon outside the city and advertised for sale. Ruiz and Montes purchased the fifty-three slaves and transferred them to *La Amistad* before setting sail from Havana on June 28. The ship also carried a full cargo of dishes, cloth, jewelry, and other luxury items and staples. The cargo was insured for $40,000. Ruiz insured the forty-nine men for $20,000, and Montes carried insurance of $1,300 on the four children. Normally the trip to Guanaja could be made in less than three days, but the winds were not good, and the schooner had not gone far when, on the third night, the Africans revolted. As it followed its zigzag course, east by day and northwest by night, food and water were soon exhausted. Now and then meager food supplies were acquired, sometimes from another ship and sometimes from the islands they encountered, but the Africans soon suffered hunger, exposure, the bloody flux, and other illnesses, resulting in part from having eaten various medicines from the schooner's cargo.

Dr. Richard Robert Madden, a native of Ireland, was an unqualified opponent of slavery. His service in Havana on the mixed commission had been a long, frustrating experience. He had recently published a pamphlet entitled *Regarding the Slave Trade in Cuba* in which he described the widespread and almost open violations of the treaties and decrees against the trade. He charged that the violations were sanctioned by the captain general of Cuba and other government officials, and that Nicholas Trist, the American consul in Havana, was heavily involved and reaping tremendous financial benefits from the traffic. When Madden heard of the case, he volunteered to come to America and offer testimony. He arrived in New York in early November and met with Lewis Tappan. He visited the captives at New Haven and offered the deposition in quarters before Judge Judson. His conversations with the Mendian interpreter Covey, plus the information he had been able to ferret out in Havana, left no doubt in his mind that the captives, under Spanish law, were *bozales,* that is, recent arrivals in Cuba from Africa, who could not have been legally enslaved. Yet he noted that on the licenses (*traspasos*) permitting them to be taken from Havana to Guanaja they were called *ladinos,* the designation of slaves who were native Africans but enslaved in Cuba prior to 1820. He explained that it was common practice, in complicity with Spanish officials, to describe *bozales* as *ladinos* on such licenses for the simple purpose of foiling the British and other slave cruisers off the coast. It was, of course, impossible for the children to have been native Africans enslaved before 1820. Madden's testimony thus established the fact that the papers Ruiz and Montes had submitted to the court in support of their claims of property rights to the Mendians had been fraudulently obtained.



Josiah Willard Gibbs (1790–1861). Oil on canvas by Frances Bicknell Carpenter (1830–1900). c. 1856. Yale University Art Gallery, gift of friends of the sitter to the Yale Divinity School, 1856.



John Quincy Adams (1767–1848). Engraving by William Wellstood (1819–1900). Edes Collection, Massachusetts Historical Society.

Meanwhile, a question had arisen concerning the jurisdiction over the case in the United States District Court of Connecticut. If *La Amistad* had been taken by the *Washington* in the territorial waters of New York, jurisdiction lay with the District Court for that state. If the schooner had been taken on the high seas, jurisdiction lay with the District Court where she had been brought into port. In a special hearing before Judge Judson on October 19, it was determined that when the *Washington* took charge of *La Amistad* the ship had been anchored about a mile from shore without inlets or bays. Therefore, under admiralty law, she was on the high seas, and the case was properly being litigated in the District Court of Connecticut.

Meanwhile, the abolitionists, displeased with the treatment of the captives, began to make efforts to provide for their comfort and for their intellectual and religious instruction. The New York Amistad Committee requested two New Haven ministers, Leonard Bacon and Henry G. Ludlow, and Amos Townsend, Jr., also of New Haven, to form a committee for that purpose. This committee employed George E. Day, a former professor in the New York Institution for the Deaf and Dumb, to supervise the instruction of the adult Mendians by Yale divinity students. A matron was employed.

Before the trial in the District Court, Secretary of State Forsyth requested an opinion on the case from United States Attorney General Felix Grundy. Grundy maintained that the United States Supreme Court in its decision in the *Antelope* case in 1825 had established the following points:

1. That, however unjust and unnatural the slave trade may be, it is not contrary to the laws of nations.
2. That, having been sanctioned by the usage and consent of almost all civilized nations, it could not be pronounced illegal, except so far as each nation may have made it so by its own acts or laws; and these could only operate upon itself, its own subjects or citizens; and, of course, the trade would remain lawful to those whose Government had not forbidden it.
3. That the right of bringing in and adjudicating upon the case of a vessel charged with being engaged in the slave trade, even where the vessel belongs to a nation which has prohibited the trade, cannot exist. The courts of no country execute the penal laws of another, and the course of the American Government on the subject of visitation and search would decide any case in which that right had been exercised by an American cruiser, on the vessel of a foreign nation not violating our municipal laws, against the captors.

Grundy maintained that the United States must accept a ship's papers as prima facie evidence and, therefore, must consider the blacks as the property of the individuals in whose behalf the Spanish minister had laid a claim. He further

argued that the United States was obligated to return the ship and all its cargo to Spain under the ninth article of Pinckney's Treaty, which provided that "all ships and merchandise of what nature soever, which shall be rescued out of the hands of pirates or robbers on the high seas, shall be brought into some port of either State, and shall be delivered to the custody of the officers of that port, in order to be taken care of, and restored entire to the true proprietor, as soon as due and sufficient proof shall be made concerning the property thereof."

Grundy advised that the president issue an order directed to the marshal holding custody to deliver the vessel and cargo "to such persons as may be designated by the Spanish minister to receive them." He stated that since the Mendians were charged with crimes under Spanish law, the surrender should be made only to a representative of the Spanish government so that "they may not escape punishment," if guilty. He added another reason why the Mendians should be surrendered only to the Spanish minister or to persons designated by him: since they maintained they were not slaves, if delivered to Ruiz and Montes they would have no opportunity to prove their right to freedom. Forsyth informed the Spanish minister of Grundy's opinion and stated that it had been approved by the president's cabinet.

The fate of the Africans rested upon one issue. Did the court have the right under treaty and international law to look beyond the ship's papers, the *traspasos,* or must they be accepted as prima facie evidence of ownership? The abolitionists maintained that article nine of Pinckney's Treaty "could never have meant to have submitted conflicting rights of property to mere official discretion, but that it was intended to subject them to the same tribunals which, in all other cases, guard and maintain our civil rights." Therefore, the president could not act until the true facts were substantiated in a court of justice.

The case opened in the United States District Court at Hartford on November 19. The trial had not progressed far when it was continued to the January term. Baldwin had asked for a postponement because of the illness of James Covey. Then, the attorney for the naval officers who were claiming salvage was called home on an emergency.

During the next weeks, the Spanish minister pushed his claims and even threatened nullification of the treaties between the two nations. Forsyth appeared to be weakening. He told the minister that he was certain the District Court would find itself incompetent to decide the case and order the Mendians returned to Cuba. He promised to hold an American vessel in readiness to transport them to Havana. Forsyth was also pressuring District Attorney Holabird to make sure that the case had the desired outcome. On the other hand, the British government began to pressure Spain to prosecute Montes and Ruiz for purchasing the Mendians in violation of laws and treaties.

The hearing resumed in New Haven on January 8. Anchored in New Haven harbor, which was usually closed at that time of the year, was the United States schooner *Grampus,* whose skipper was instructed to hasten the Mendians to

Havana if that should be the decision of the court. Holabird was instructed by Forsyth, on direction of President Van Buren, to have this done, if possible, before an appeal could be made; if the decision was against the Spanish claimants, Holabird was to appeal the decision immediately.

The testimony and submission of other evidence required six days. On Monday, January 13, Judge Judson rendered his decision in seven points:

1. The jurisdiction of the court was clear since the whole affair had occurred on the high seas.
2. Gedney and his crew were entitled to salvage on the vessel and its cargo to the amount of one-third of its appraised value, and as soon as this payment was made the vessel and cargo would be delivered to the Spanish government.
3. Salvage rights on the Africans were denied since they had no value as property under the laws of Connecticut.
4. Captain Green and his companions were not entitled to salvage because they had never boarded the vessel.
5. The slave Antonio, having been born in Cuba, was to be returned to his rightful owners.
6. The Africans were neither slaves nor Spanish subjects.
7. They were, therefore, free by the "law of Spain itself."

He found that the Mendians were *bozales*. He said that Pinckney's Treaty must be subject to the laws of Spain, and the laws of Spain did not hold that *bozales* could be enslaved. Therefore, he said, the pass granted for their transportation to Guanaja "contains on the face an untruth. The Governor General has not given a pass for *these* negroes. And consequently these *bozales* stand on the deck of the *Amistad* without any *passo* whatever." He concluded, "Cinqueze and Grabeau shall not sigh for Africa in vain. Bloody as may be their hands, they shall yet embrace their kindred. I shall put in form a decree of this Court, that these Africans, excepting Antonio, be delivered to the President of the United States to be transported to Africa, there to be delivered to the Agent appointed to receive and conduct them home."

The instructions from the president of the United States to the skipper of *Grampus* did not include compliance with this unexpected decision, so he hauled anchor and hastily departed from New Haven. Holabird immediately entered an appeal to the Circuit Court. Judge Judson's conduct of the trial was a surprise as much to the abolitionists as to the rejected claimants, for in the past Judge Judson had demonstrated no love of blacks. In 1833, for example, he had gained notoriety as the prosecuting attorney against Prudence Crandall for admitting blacks to her school in Canterbury, Connecticut. Furthermore, he had instigated the Connecticut statute under which he prosecuted Miss Crandall. After his verdict in the Amistad case, Lewis Tappan wrote,

> The Judge is certainly entitled to much credit for the impartiality with which he presided, and for his opinion and forthcoming decree, in many respects. It must be acknowledged, however, that his application of the laws of 1818 to these Africans—the law never having contemplated such a case—will not give satisfaction to strict constructionists. The Africans were either slaves or freemen, and it would seem that consistency required the Judge to decree that they were freemen, and, as such, entitled to their immediate freedom. He doubtless acted—if not as a true interpreter of the law— as he thought would be for the welfare of the Africans. He went into jail twice to see them, and they expressed to him, and to others, a desire to return to their native land.

The act of 1818, as amended in 1819, under which Judson had ruled for the return of the Mendians to Africa by the president, covered only those persons illegally brought to the United States to be sold as slaves. The Mendians, of course, had not been destined for sale in the United States, and Judson's ruling was not well received. Many considered it a poor reading of the law. The concern of the abolitionists was not his interpretation of this particular law. While conceding that the Africans wished to return to their home, they felt nevertheless that as free persons the decision should be their own rather than that of the court.

As the controversy over the decision raged, John Quincy Adams, congressman from Massachusetts, introduced a resolution to have all the correspondence of the Executive Department regarding the Amistad case submitted to the House of Representatives for review. This correspondence, printed as House Document Number 85, clearly revealed the sympathies of the Van Buren administration and also showed how severely relations between the United States and Spain had been strained by the incident.

When the appeal came before the Circuit Court in April 1840, Justice Thompson upheld the decision of the District Court but ruled that since the case had become a major issue between the United States and Spain its importance demanded a decision from the United States Supreme Court. The case was placed on the agenda for the following January. As the time approached for the Supreme Court hearing, Lewis Tappan, even though he recognized the brilliant defense led by Baldwin and his associates, was led to feel that the case required someone of national renown for its presentation to the Supreme Court justices, five of whom were southerners, including Chief Justice Roger B. Taney, who, in 1857, would read the infamous Dred Scott decision. Tappan enlisted the assistance of Ellis Gray Loring, a prominent Massachusetts attorney. The two men went to Quincy to see John Quincy Adams. Adams, a friend of liberty and an opponent of slavery, but no abolitionist, had been outspoken in his sympathy for the Amistad captives but was not easily convinced to take on the responsibility. He was too old, he said, and had not argued a case before the

Supreme Court since 1809. But Tappan and Loring persisted, and he finally consented to serve. Once committed, he spared no effort.

For various reasons, the hearing before the Supreme Court, originally scheduled for January 16, 1841, was delayed until February 20. Henry D. Gilpin, who had succeeded Grundy as United States attorney general, opened the case by presenting the papers of *La Amistad,* which, he said, were all in order and thus the United States had no authority to go behind the papers and rule on their validity. He stated that if the blacks were slaves, they were property, and the Spanish government had the right to demand that they be returned to their owners and to Spanish soil for trial for any offenses they might have committed under Spanish law. He added that the law in the case so far as American courts were concerned had been established in the case of the *Antelope.* He spoke for two hours.

Adams felt he was not yet prepared to present his argument, so Baldwin opened for the defense. He contended that the United States was being used by the Spanish as a man-stealer to aid in the recovery of the fugitives, who were not fugitives at all but free men. They had been declared free men by a United States court and neither Ruiz and Montes nor the Spanish government had appealed that decision. It had been appealed only by the government of the United States. He meticulously covered the details of the case and the facts that had led Judge Judson to declare the Mendians to be free. He spoke for four hours.

Adams rose to speak on February 24. He spoke for four and one-half hours that day and concluded his argument on March 1 in another four-hour presentation. He opened his argument by stating that he was speaking in a court of justice, a point he felt it necessary to make since one branch of the government, the Executive Department, had shown no concern for justice in the case but only sympathy for the Spanish claimants. He reviewed the correspondence between Spanish diplomats and the secretary of state and criticized Van Buren for attempting to assume unconstitutional powers in the case in order to placate the Spanish, including an effort to have the Africans hastened aboard the *Grampus,* thereby denying them the basic right of appeal had the decision of the District Court been against them. He said, "Had the precedent once been set and submitted to, of a nameless mass of judicial prisoners and witnesses, being snatched by Executive grasp from the protective guardianship of the Supreme Judges of the land *(gubernativamente)* at the dictate of a foreign minister, would it not have disabled forever the effective power of the Habeas Corpus?" Adams continued,

> This review of all the proceedings of the Executive I have made with utmost pain, because it was necessary to bring it fully before your Honors, to show that the course of that department had been dictated, throughout, not by justice but by sympathy—and a sympathy the most partial and unjust. And this sympathy prevailed to such a degree, among all the

> persons concerned in this business, as to have perverted their minds with regard to all the most sacred principles of law and right, on which the liberties of the United States are founded; and a course was pursued, from the beginning to the end, which was not only an outrage upon the persons whose lives and liberties were at stake, but hostile to the power and independence of the judiciary itself.

Adams observed that the case was not covered by Pinckney's Treaty, or the Adams-Onis Treaty, which, he pointed out to the court, he had had a part in making. He said that article nine of the treaty of 1795 did not include human beings, since it spoke only of merchandise that must be restored *entire*—"A stipulation to restore human beings *entire* might suit two nations of cannibals!" Furthermore, he asked, how could the Mendians be simultaneously "merchandise rescued out of the hands of pirates and robbers and pirates or robbers out of whose hand merchandise was rescued?" Adams then examined point by point the decision in the *Antelope* case and observed that the slaves taken from the *Antelope* were restored to Spain explicitly because at the time of her expedition from Havana and capture the Spanish prohibition against the foreign slave trade had not taken effect. Therefore, the decision had no bearing on the case of *La Amistad.* Gilpin closed with a three-hour argument. The presentations of the attorneys in the case thus totaled over seventeen hours.

Adams had hoped that there would come some censure by the Court of the conduct of the case by the Executive Department, but this was not forthcoming. The decision rested primarily on the arguments Baldwin had used all along. Justice Joseph Story of Massachusetts read the decision, which declared that article nine of Pinckney's Treaty did not apply because the Africans had never been the legal property of Montes and Ruiz. Neither were they pirates or robbers, but kidnapped Africans "who by the laws of Spain itself were entitled to their freedom." The license issued bearing Spanish names of the so-called *ladinos* was no evidence since it was clearly fraudulent. To Gilpin's argument that the ship's papers must be accepted as prima facie evidence, the Court responded that the language of Pinckney's Treaty requires the proprietor "to make due and sufficient proof of his property; and that proof cannot be considered due or sufficient which is stained with fraud." "Fraud will vitiate any, even the most solemn transactions; and any asserted title founded upon it, is utterly void." The crew of the *Washington* had performed a valuable service and were entitled to salvage. However, when *La Amistad* came to Long Island, she was in the possession of the Africans, who obviously had not come to sell themselves as slaves. Consequently, they were not covered by the law of 1818 and should not be returned to Africa by the president. They were entitled to their liberty like any other freeborn human beings and were to be discharged at once, free to go wherever they wished. Lewis Tappan and Roger Sherman Baldwin left Washington to carry the glad tidings to the Mendians at Westville,

but as matters developed they had already heard the news from Amos Townsend and Henry Ludlow. They received it with joy, but there had been court decisions before, and they could not understand the delays of American justice. They did not know if this decision would be any more effective than the earlier ones had been.

It was nearly two years since they had been kidnapped from their homes. It would be many months before they would return. What had happened to these unfortunate people during this time? Seventeen of them had lost their lives since being placed aboard *La Amistad*. Before they would leave America, another of their number would die in what was believed to be a suicide, because of longing for his homeland and the belief that in death his spirit would be united with his people.

The United States government had provided for their basic needs until the Supreme Court decision, but now all responsibility for the care and protection of the Africans fell to the Amistad Committee. A problem developed immediately over the custody of the three girls, who were living with Colonel and Mrs. Pendleton, where, Pendleton maintained, they preferred to remain. He refused to comply with an order of the probate court that awarded guardianship to Amos Townsend. Baldwin went to court on Townsend's behalf asking for a writ of habeas corpus. This hearing lasted three days, and the decision was made in Townsend's favor. The girls then joined the other Mendians in Farmington on the farm of the abolitionist A. F. Williams. Instruction in English and religion continued under the supervision of George E. Day.

Until the first hearing in the Circuit Court, the Mendians had been confined in a New Haven jail, where they had been exhibited by the jailer at the price of a New York shilling (12 1/2 cents) a view. The abolitionists had protested the circus atmosphere that surrounded them but had been able to do little about improving conditions until after the Circuit Court's decision and Judge Judson's orders that they no longer be treated as criminals. Now that they were free and the Amistad Committee had to provide for their physical needs as well as raise money to return them to their homeland, the abolitionists became the exhibitors. They were taken from one community to another, where they appeared at churches and public meetings, demonstrating their skills in reading and writing English and telling their story to sympathetic audiences. The purpose was to raise funds for transporting them back to Africa and beginning a Christian mission among the Mendi people.

During the long months of their captivity, the Africans became well known to large segments of the American people, particularly to abolitionist and religious communities, and they became recognizable to some individuals with distinct personalities. A Boston artist, A. Hewins, portrayed twenty-six of them in a large (135 square feet) painting entitled *The Massacre*. Although it did not portray the Africans in a manner favorable to them or the abolitionist cause, the painting received favorable reviews and was exhibited in New Haven and Hartford.

Engravings of it were sold as souvenirs. At the Bowery Theater in New York, *The Black Schooner, or, The Pirate Slaver Amistad* had a long, successful run, bringing in $1,650 in ticket sales, a considerable box office for the day. In 1840, John W. Barber published *A History of the Amistad Captives: Being a Circumstantial Account of the Capture of the Spanish Schooner Amistad by the Africans on Board; Their Voyages, and Culture . . . With Biographical Sketches of Each . . . Also, An Account of the Trials*. This account contained profiles of each taken by a pentagraph from wax figures that were being exhibited throughout the country by Pendleton and Curtiss. According to Barber, the profiles were "striking and accurate likenesses of the Africans, taken from life by Mr. Moulthrop." In a day when phrenology was widely respected and accepted as a science, a phrenologist by the name of Fletcher examined the Mendians, and his findings were published in many newspapers. He also used them as the topic for a lecture tour. Two paintings, an oil portrait of Cinque by Nathaniel Jocelyn and a watercolor of *La Amistad*, have been preserved as valuable works of art by the New Haven Colony Historical Society.

Eventually the Amistad Committee raised sufficient funds to transport the thirty-five surviving Mendians back to their homeland. Missionaries had been recruited, including two blacks. On November 27, 1841, the party embarked in the *Gentleman*. Seven weeks later they reached Freetown in Sierra Leone. Kinna, who had been one of the better students, wrote Louis Tappan, "We have reached Sierra Leone and one little while after we go to Mendi and we land very safely. Oh dear friend, pray to God.... We will pray for you.... We have been on great water. Not any danger fell upon us. Oh, no.... Our blessed saviour Christ have done wonderous works. Dear Mr. Tappan, how I feel for these wonderous things. I pray Jesus will hear you; if I never see you in this world, we shall meet in heaven."

Before the missionary party reached Mendi country, most of the Africans, including Kinna, had deserted. He, along with some others, would come in and out of the mission, trying to adjust to ties to two cultures. Several remained with the mission for the rest of their lives. One of the girls, Sarah Margru, later returned to Oberlin for an education, and then married and taught at the mission. Cinque deserted, was seen from time to time, and returned to die at the mission in 1879. It was said that he died a Christian.

Too much should not be made of the court's decision in the Amistad case. While thirty-six Africans regained their freedom, the decision was by no means an attack on the institution of slavery in the United States or abroad. On the one hand, Justice Story declared that the Africans had exercised the "ultimate right of all human beings in extreme cases to resist oppression, and to apply force against ruinous injustice." In other words, free men have a natural right to resist enslavement. On the other hand, he stated that the blacks, had they been legally recognized as slaves of Spanish citizens, would have been deemed property within the meaning of the treaty of 1795 and restored to the claimants. Antonio

was so restored.* Thus the Court recognized that the natural right to freedom could be taken away by positive law.

Controversy about *La Amistad* did not end with the Supreme Court decision or the return of the Africans to Sierra Leone. Spain continued to press claims for indemnity in Madrid and Washington. Disregarding the decision of the Court, southerners on several occasions introduced resolutions in both the Senate and House of Representatives calling for votes to pay indemnity. President James K. Polk and James Buchanan, both as Polk's secretary of state and later as president, supported Spain's claims. The charge that Van Buren conspired with Spain against the Africans resurfaced in the election of 1848 when he was the candidate of the Free-Soil Party. Leading spokesmen against the Spanish claims in the House of Representatives were Joshua Giddings and John Quincy Adams until his death in 1848. In the Senate, John P. Hale, Salmon P. Chase, William Fessenden, and William H. Seward fought efforts to vote indemnity.

The Civil War and the death of slavery closed the Amistad case as an issue in relations between Spain and the United States. There was, however, a lasting legacy. Evangelical abolitionists felt an obligation to support the Mendi Mission. The "Fugitive Blacksmith," James W. C. Pennington, pastor of the First Colored Congregational Church in Hartford, Connecticut, took the lead in the formation of the Union Missionary Society in 1841, which soon absorbed the Amistad Committee. The Union Missionary Society joined with others in 1846 to form the American Missionary Association (AMA). The AMA assumed support of the Mendi Mission and became the largest and best organized abolitionist society in America in the fifteen years preceding the Civil War. In 1840, the members of the American Antislavery Society had split over questions of political action, women's rights, the position of American churches on the slavery issue, and the nature of the United States government. Thereafter, the American Antislavery Society was only a shell of what it had been. Its opponents, under the leadership of Lewis Tappan, established the American and Foreign Antislavery Society, but it never became an effective voice for the cause of abolitionism. The AMA, in addition to supporting the Mendi and other foreign missions, established missions among Native Americans, fugitive slaves in Canada, Chinese immigrants in California, and other immigrant groups. It also planted hundreds of antislavery churches in the North and border states of the South. Its monthly magazine and other publications and the one hundred or so missionary agents it had each year preaching the abolitionist doctrine across the United States were powerful forces for the cause.

In the very first year of the Civil War, the AMA began education work among the Freedmen, establishing hundreds of schools throughout the South during the war and the Reconstruction period. Some of these were later given over to public support or abandoned because of decreasing funds as Americans became tired of the "Negro problem." However, the association continued into the mid-twentieth century to support both elementary and secondary schools for blacks

wherever there was a need and the means could be found. Along the way, such important institutions as Hampton University, Atlanta University, Talladega College, Fisk University, LeMoyne-Owen College, Huston-Tillotson College, and Berea College were founded. The AMA still contributes today to the support of six of these schools and also supports the school of religion at Howard University.

While the AMA activities have been most extensive among blacks, the association has also been concerned with the plight of other minorities and impoverished people. It has supported education and ministries among Native Americans, Asian-Americans, Chicanos, Puerto Ricans, Eskimos, and Appalachian whites. In 1942, the AMA, hoping to prevent race riots like those that had occurred following World War I, established a Race Relations Department on the campus of Fisk University. For twenty-six years, through research, education, and conferences, the Race Relations Department was on the cutting edge of the civil rights movement in the United States. Many activists of the 1960s had been enrolled in one or more of its annual Institutes on Race Relations. At one of the AMA's former schools, Dorchester Academy in Liberty County, Georgia, the Voters Education Project, headed by the Congregational minister and former mayor of Atlanta Andrew Young, was established in the 1960s. The most recent institution established by the AMA is the Amistad Research Center. An archives and research library founded in 1966, Amistad holds over five thousand linear feet of original manuscripts plus books, microfilm, serials, audio and video tapes, and films that document the experience of America's ethnic minorities and civil rights in the United States. These resources provide the information that is enabling scholars from across the United States and abroad to reinterpret the American experience.

Footnotes

This article is based on records in the Amistad Research Center, principally the Archives of the American Missionary Association, which include the records of the Amistad Committee and the Mendi Mission.

*A Connecticut law of 1784 provided that no Negro or mulatto born after March 1, 1784, should be held a slave after reaching the age of twenty-five. The holding of slaves was not forbidden until 1848, when anyone who would have been a slave would have been sixty-four years of age or older. A New York law of 1799 provided that all children born to slaves after July 4, 1799, were to be freed at the age of twenty-eight for males and twenty-five for females. An act of 1817 provided that on July 4, 1827, "every Negro, mulatto, or mustee within this state, born before the 4th of July, 1799, be free, and all Negroes, mulattoes, and mustees born after July 4, 1797, shall be free," males at the age of twenty-eight and females at the age of twenty-five. Thus, on July 4, 1827, ten thousand slaves were freed in New York without compensation.

*Joshua Leavitt was a lawyer and Congregational minister, a graduate of Yale College and Yale Divinity School. He was one of the founders of the Liberty party in 1840. Simeon S. Jocelyn, born in New Haven, was a brother of the artist Nathaniel Jocelyn. His plan to establish a college for blacks in New Haven in 1831 was killed by popular opposition. Jocelyn was the founder and first pastor of a black Congregational Church in New Haven, which is today Dixwell Avenue United Church of Christ. He became the secretary for home missions of the American Missionary Association. Lewis

Tappan, a wealthy New York merchant, was the founder of the *Journal of Commerce* and the mercantile agency that is known today as Dun & Bradstreet. He devoted his fortune and great energy to philanthropic causes, especially abolitionism. He served as unpaid treasurer of the American Missionary Association, to which he was also a liberal financial contributor.

*Although Antonio had once said in court that he wanted to return to Cuba, shortly after the Supreme Court decision he disappeared, and it was believed the abolitionists had spirited him away to freedom in Canada. He was working in Montreal in late April 1840.

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The Legal Aspects of the Amistad Case

by The Honorable Constance Baker Motley

The Amistad case, which first came to the attention of a federal court in New Haven, Connecticut, in September 1839, appears to be the first successful civil rights case involving the rights of free persons of color to be decided by the United States Supreme Court. The Supreme Court, by its decision, freed a group of Africans (including four young children) who had been kidnapped in Africa and put on board Spanish slave trading vessels with the understanding that they would be sold on the slave markets in Cuba. The act was in clear violation of the law of Spain, which previously had outlawed the slave trade in a treaty with England and had provided for the immediate freedom of any slaves introduced into Spanish territory in violation of the edict of the king of Spain enforcing the treaty. The Supreme Court's decision represented a major legal victory for the abolitionists, who had undertaken to raise funds and had employed the best lawyers to defend the Africans, who had mutinied on board the vessel *Amistad* as it was traveling from Havana, Cuba, to another Cuban port. (For the story of how the *Amistad* ended up in Connecticut, see the article by Clifford Johnson in this issue.) The Africans had to be defended (1) against admiralty claims filed in New Haven in the federal District Court by United States Navy personnel, who had seized the illegal vessel off Long Island; (2) against claims by the alleged Spanish owners of the Africans to possession of their persons; and (3) against murder and mutiny charges, the Africans having murdered the captain and others on board the vessel during the course of their mutiny. The case also represented a moral victory for abolitionists throughout the world, who preached that the institution of human slavery was against the laws of God and nature and ought to be abolished. The Supreme Court's decision could not be predicated on any provision in the American Constitution as it stood at that time or on any other American law, since no American constitutional provision or law had been violated with respect to the Africans or by the vessel or its owners. The Court's decision, however, recognized and strengthened developing international law that required the High Court to acknowledge and apply the laws and treaties of other nations not in conflict with our own laws and treaty obligations. Accordingly, the Supreme Court applied Spanish law to determine whether the Africans on board the *Amistad* were free men or slaves, and thus the property of their owners. Concluding that the Africans were free men under Spanish law, the Supreme Court ordered them freed from the New Haven jail where they had been detained for two years. Finally, it should be noted on this 150th anniversary of the case that the Supreme Court's decision was the first

legal milestone in the long, difficult struggle in the courts by persons of color for equal justice under law.

There were several salient historical factors that might well have contributed to the Supreme Court victory for the Africans, to some of which the lawyers defending the Africans called the Court's attention. The first of these was that the Declaration of Independence, which contained the basic principles that guided the American Revolution, was in conflict with the institution of slavery. It was clear to everyone, as John Quincy Adams argued in the Supreme Court, that the concept that all men are created equal could not coexist with human slavery.

The second factor was that the Framers of the Constitution, after wrestling long and hard with the issue of slavery, managed to avoid an express sanction for it in the national charter, again as Adams pointed out in his Supreme Court argument. The institution of slavery had been recognized by the Framers of the Constitution but not approved by them, Adams said. Slavery was, perhaps, the single most divisive issue left unresolved by the Framers. In the volatile atmosphere of 1787, it had to be ignored if the country was to be united.

The third factor was that by 1841, when the Supreme Court rendered its decision in the Amistad case, the movement to abolish slavery as an institution in this country was gathering momentum. The Constitution of the United States, ratified in 1789 as the supreme law of the land, had provided for an end to the importation of slaves into this country by 1808. Notwithstanding this constitutional prohibition against the importation of slaves, the practice continued, as state archivists have been discovering recently in Louisiana and elsewhere. Slavery as an institution had been outlawed in the British Caribbean Islands and in other British possessions by 1837. By the late thirties and early forties, Connecticut, whose efforts to bar slavery had started as early as 1774, was experiencing a rising tide of antislavery activity and sentiment. Other northern states too were calling for emancipation.

The fourth factor was that the number of free blacks, particularly in northern states, had continued to grow, and their presence in the American community of 1841 was beginning to pose difficult legal problems, as evidenced by the Prudence Crandall case (*Crandall v. The State*, 10 Conn. Rep. 340 [1834]).

The Crandall case arose in Connecticut just before the Amistad case. It involved the rights of free blacks from other states to come to Connecticut to attend a school in Canterbury, Connecticut, that Prudence Crandall had established for the education of young black girls. She had been denied by towns- people the right to educate black and white girls together in her school. In the Crandall case, it was argued that under the Privileges and Immunities Clause of Article IV of the Constitution, free blacks had the same rights as free whites to the privileges and immunities a state afforded to persons moving into the state from another state. The Connecticut legislature, at the instigation of the

people of Canterbury, had made it a crime for a person within the state to operate a school in Connecticut that accepted black students from outside the state. This law was designed to defeat Prudence Crandall's efforts to aid free blacks. She was arrested and jailed in Brooklyn, Connecticut, for violating this now-infamous state statute. Prudence Crandall, a Rhode Island Quaker, had been invited by the people of Canterbury to be head teacher of a school they were willing to support for the education of their young women. The people of Canterbury had vigorously opposed the admission of free blacks to the school Prudence had been employed by them to head. They had been led in this effort by Andrew T. Judson, the federal district judge who first ruled in favor of the defendants in the Amistad case. The Crandall case too became an abolitionist cause célèbre: it received national publicity, although it did not reach the United States Supreme Court for a decision on the constitutional question that Connecticut's best lawyers had raised.

The Supreme Court of Errors of Connecticut had avoided deciding the constitutional question by throwing out the indictment of Miss Crandall on a legal technicality. They ruled that the indictment had not been properly drawn.

A fifth factor of the utmost importance in securing a Supreme Court victory for the Africans in the Amistad case was the fact that the abolitionists, who by 1841 were growing stronger in this country, were able to raise enough money to hire the best lawyers, including Roger Sherman Baldwin, a Yale graduate and descendant of Roger Sherman, and former president John Quincy Adams of Massachusetts, to brief and argue the case in the Supreme Court.

When lower federal courts were first established by act of Congress, the cases that came before them largely involved the federal courts' power under the Constitution to hear and determine admiralty cases. As noted above, the *Amistad* had been seized off Long Island by Navy personnel. It was brought first into the port at New London, where the United States District Judge for the District of Connecticut conducted an investigation. José Ruiz and Pedro Montes, the two white men who had been on board the *Amistad* and whose lives had been spared by the Africans during the mutiny so that they might navigate the ship, testified during the investigation as to what happened on board the vessel and as to the legal status of each of the Africans on board. They claimed to be the owners of the slaves, who had mutinied while being transported from one Cuban port to another. One of the Africans on board, however, the cabin boy, was the slave of the captain who had been murdered on board the vessel by the Africans. The Africans could not speak English and no one appeared to represent them. According to one report of the case, after the investigation the adult Africans, thirty-nine in number, were charged with murder on the high seas. Because federal courts had jurisdiction as courts of admiralty the Africans were held for trial at the U.S. Circuit Court in Hartford on September 17, 1839. The Africans, including the children on board the vessel, were all then

transferred to a jail in New Haven, where they remained throughout the court proceedings. The Circuit Court later dismissed the charges of murder and mutiny as acts that had been committed in Spanish territory and therefore not within the jurisdiction of the United States Courts. The District Court, however, retained jurisdiction of the claims for salvage made by the Navy personnel and others and the claim of the Spanish minister for enforcement of an alleged applicable treaty between Spain and the United States.

Three abolitionists, Simeon S. Jocelyn, Joshua Leavitt, and Lewis Tappan, on hearing of the case, met in New York City with other supporters of human freedom; it was decided at the meeting to constitute the three named men a committee to raise funds and employ counsel to represent the Africans. The committee employed Seth P. Staples and Theodore Sedgwick of New York and Roger Sherman Baldwin of New Haven.

The decision eventually rendered by the Supreme Court, however, came as a result of the claims made in the District Court for the District of Connecticut, sitting in admiralty, for salvage. These assertions had been made by the Navy personnel and two New Yorkers, who claimed they had aided in the capture of the vessel, and by Ruiz and Montez, who sought possession of the Africans as their slaves. In addition, the United States attorney for the District of Connecticut filed a claim and information stating that the minister of Spain had filed a complaint with the State Department claiming that the vessel, cargo, and slaves should be returned to their owners pursuant to the provisions of a treaty between the United States and Spain that was applicable to the circumstances of this case. The United States attorney asked the court to enter an order enabling the United States to comply with the treaty by returning the vessel, cargo, and slaves to their rightful owner or, if it should appear that the Africans had been brought from Africa in violation of the laws of the United States, then the court should order the removal of the Africans to Africa, according to the laws of the United States.

In reply to these claims in admiralty, counsel for the Africans filed an answer denying that the Africans on board the vessel were slaves or the property of Ruiz and Montes and denying the right of the District Court, under the Constitution and laws of the United States, to exercise any jurisdiction over their persons. Representatives of the deceased captain claimed possession of the captain's slave on board the vessel, who had not been kidnapped in Africa or brought illegally into Cuba. This claim was upheld. The kidnapped Africans claimed they were free persons born in Africa and should therefore be deemed free; they should not be considered slaves simply because they had been kidnapped in Africa and brought to Cuba to be sold into slavery.

The District Court for the District of Connecticut, after hearing the claims of both sides, agreed with the Africans. It rejected all claims to salvage of the Africans as if they were merchandise. In other words, it found that the Africans

were not property but free human beings. Salvage claims of the Navy personnel amounting to one-third the value of the vessel and cargo on board the vessel were upheld by the District Court in accordance with prevailing principles of admiralty law relating to rewards for capture of illegal vessels. The claims of Ruiz and Montes and the claim made by the United States attorney at the insistence of the Spanish minister on behalf of Ruiz and Montes to possession of the Africans as slaves were all rejected by the District Court. It also denied the claim of the Spanish minister that the Africans should be delivered to him so they could be sent to Cuba as required by the terms of a treaty between the United States and Spain relating to distressed or pirated vessels.

However, the District Court decreed that the Africans should be delivered to the president of the United States, Martin Van Buren, to be sent to Africa pursuant to the provisions of an act of Congress of March 3, 1819, providing for the return of Africans illegally imported into the United States to be sold as slaves in violation of federal law prohibiting the trading in slaves from Africa. As noted above, the District Court judge was Andrew Judson.

An appeal from the judgment of the District Court was taken to the Circuit Court in Connecticut by the United States attorney. The owners of the cargo on board the *Amistad* also appealed from that part of the judgment that allowed salvage on their goods to Navy personnel. Neither Ruiz and Montes nor the owners of the vessel appealed. In short, at this juncture the only party interested in returning the Africans to Cuban interests as property was the United States attorney.

The Circuit Court, by a pro forma decree, affirmed the judgment of the District Court, reserving the question of salvage on the merchandise on board the vessel.

The United States appealed from this Circuit Court decree to the United States Supreme Court. The appellees in the Supreme Court were the Navy personnel and the kidnapped Africans. The Supreme Court was not asked to rule on who owned the vessel or the cargo that had been the subject of salvage. It was admitted that the vessel and cargo belonged to Spanish subjects and should be restored. The only question to be decided by the Supreme Court was whether the kidnapped Africans were free persons or slaves and therefore merchandise within the meaning of the law of nations. The Supreme Court affirmed the Circuit Court, except as to that part of the decree that had upheld the District Court's order that the Africans be delivered to the president of the United States for return to Africa. It ordered the Africans freed. The High Court ruled (1) that the Africans were not slaves in Africa and had been brought into Cuba to be sold as slaves in violation of Spanish law; (2) that Ruiz and Montes had failed to prove that the Africans were their property under Spanish law allowing slavery to exist in Cuba under certain circumstances; (3) that although the vessel contained documents issued in Havana respecting the slave status of the

Africans that were valid on their face, the evidence showed they were invalid because they had been obtained through fraud and were intended to be used fraudulently; (4) that the treaty with Spain relied on by the United States attorney with respect to piracy was inapplicable to the case of the *Amistad;* (5) that congressional enactments prohibiting the slave trade did not apply to the Africans on board the *Amistad*, who were free in Africa and kidnapped and brought to Cuba to be sold as slaves against their will; and (6) that the one-third rate allowed Navy personnel for salvage was proper.

The Supreme Court expressly noted that in abolishing the slave trade, Spain had made dealing in the slave trade a "heinous" crime and had declared that the Africans thereby introduced into Spanish territory (Cuba was owned by Spain at the time) were free persons by Spanish law.

The Court also expressly noted that since American laws barring the slave trade had not been violated in this case, there was no warrant in law for turning the kidnapped Africans over to the president to be returned to Africa. Adams's chief argument in the Supreme Court was, in effect, a plea that the Africans not be put in the hands of the executive branch of the government, which he regarded as inimical to the interests of the Africans.

The Court further ruled that the kidnapped Africans, like any other persons, were free to come before U.S. courts to have the question of their status determined, and since they were adjudged to be free men and women, the treaty with Spain regarding property on board distressed or pirated vessels could not apply to them. The Court said, "The United States are bound to respect their rights as much as those of Spanish subjects" (at 595). The position of the United States attorney—that the treaty with Spain providing for the return of merchandise to its rightful owners in case of privacy or distress was applicable to the *Amistad*—was soundly rejected. The Court said that if this case involved a claim to goods aboard the *Amistad* to which American citizens asserted a title, which was denied by the Spanish claimants, there could be no doubt of the right of such American citizens to litigate their claims before any competent American tribunal, notwithstanding the treaty with Spain. "A fortiori," the Court said, "the doctrine must apply where human life and liberty are in issue; and constitute the very essence of the controversy. The treaty with Spain never could have intended to take away the equal rights of all foreigners, who should contest their claims before any of our Courts, to equal justice; or to deprive any such foreigner of the protection given them by other treaties, or by the general law of nations" (at 595-96).

It should be noted, however, that had Spanish law not outlawed the slave trade, the decision would have gone the other way, in keeping with earlier Supreme Court cases involving the slave trade.

The decision of the Supreme Court in the *Amistad* case, which expressly recognized that blacks had the right to access to federal courts to contest an

attempt to enslave them, must be compared with the decision of the Supreme Court in *Dred Scott v. Sandford*, 60 U.S. 393 (1857), decided just sixteen years later. In this case the Court said that a review of U.S. history and the history of Western civilization discloses that black people, whether free or slave, had no rights that a white man was bound to respect. Dred Scott, a slave in Missouri, had been taken by his master to Illinois, a free state, and claimed that this act made him a free man. The *Amistad* decision was 7–1, the *Dred Scott* decision was 6–2. Mr. Justice Taney was the chief justice in both cases. Mr. Justice Story wrote the majority decision in the *Amistad* case. Mr. Justice Taney, however, wrote the majority decision in the *Dred Scott* case. In addition to Mr. Justice Taney, only two other justices, J. Wayne and J. Citron, who agreed with Taney and who had sat on the *Amistad* case, also sat as justices on the Court hearing and deciding *Dred Scott*. This great change in the Court's personnel may have had something to do with the way the *Dred Scott* case was decided, but some historians argue that the change in the temper of the country with respect to the issue of slavery was a greater influence. The *Amistad* case, of course, had nothing to do with the institution of slavery itself in the United States and was, therefore, not technically a precedent for the *Dred Scott* case.

The *Dred Scott* decision was a major defeat for the abolitionist forces, who at this juncture of U.S. history had succeeded in arousing the North against the institution of slavery. Civil war was, even then, on the horizon. After the Civil War the Radical Republicans in Congress perceived that in order to protect former slaves against reenslavement, a bar to slavery and peonage would have to be made a part of the national charter. They realized that the forces arrayed against former slaves included state governments.

The Thirteenth Amendment to the Constitution was therefore proposed by the Radical Republicans and was then quickly ratified by the states. The amendment was intended to bar not only slavery but all the badges of servitude. Congress was given the power to enforce the amendment by appropriate legislation, but it was soon realized that the only thing the Thirteenth Amendment did was to abolish slavery; the citizenship status of African-Americans was still in doubt because of the Supreme Court's decision in the *Dred Scott* case.

The Fourteenth Amendment was therefore proposed as a way of ending once and for all the controversy regarding the status of free blacks as well as the status of blacks who were former slaves. The amendment provided that all persons born or naturalized in the United States would be citizens not only of the state in which they resided but also of the nation. The Fifteenth Amendment, of course, was found to be necessary to guarantee black participation in local, state, and national government. The Fourteenth and Fifteenth amendments were also to be enforced by appropriate legislation. Congress promptly set out to propose and enact numerous civil rights laws. People like Senator Charles Sumner of

Massachusetts believed that by 1875 every conceivable problem blacks would confront as a result of their former slave status had been dealt with by congressional legislation. First and foremost this legislation provided former slaves with remedies against state governments and private citizens who would seek to impose upon them either slavery or any of its badges. The jurisdiction to hear such cases was conferred by the Congress on the federal district courts, with appeal to the circuit courts and the Supreme Court. However, because of the low socioeconomic condition of most former slaves and the high degree of racial prejudice against them, blacks eventually, after the demise of Reconstruction, were subjected to segregation and discriminatory practices by state governments as well as by private persons. Blacks battled against state-imposed racial segregation in all of its forms, but in 1896, in the case of *Plessy v. Ferguson*, 163 U.S. 537, the Supreme Court in a 7–1 decision (one justice not participating) affirmed the right of southern states to provide separate but equal transportation facilities for blacks within the state. Although that case was limited to transportation, the separate but equal doctrine received a supremely powerful sanction. Thereafter, segregated institutions proliferated around the country, and racial segregation became national policy. It remained such until 1948, when President Harry Truman abolished segregation in the armed forces.

In his majority opinion in the *Dred Scott* case Chief Justice Taney labored long and hard to establish that all of Western civilization regarded Africans (that is, blacks), whether free or slave, as an inferior order of beings unfit to associate with the white race but then ruled in *Plessy v. Ferguson* that the separate but equal doctrine the southern states had devised and upon which the majority (7–1) of the Supreme Court was, by its opinion, bestowing its blessings, did not imply any inferiority of the black race. He ruled that any implied inferiority of the black race was simply being read into the separate but equal doctrine by the blacks themselves.

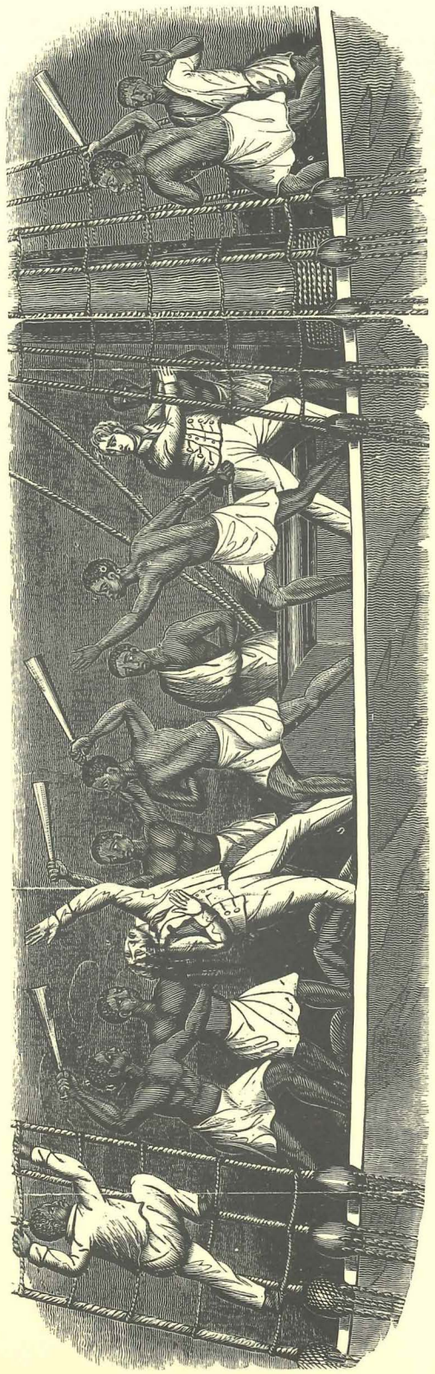
Not until 1954, in a case involving public school desegregation, did the Supreme Court strike the first blow to the institution of segregation by disallowing its application to public education. In the decade that followed, the Court, in a series of cases, struck down racial segregation in all other aspects of the public life of the American community.

In 1964, as a result of the March on Washington in 1963 by tens of thousands of civil rights advocates and supporters, the Congress reenacted and strengthened all of the laws that had been enacted by the Reconstruction Congress to enforce the Thirteenth, Fourteenth, and Fifteenth amendments.

Although legal segregation has been abolished, blacks have found it necessary in the past twenty-five years to continue the battle against covert and subtle forms of racial discrimination; but the changes in the personnel of the Supreme Court since 1964 may well affect the course and direction of the struggle in the future. A once liberal Supreme Court bench has been replaced by justices whose

views on how to remedy past racial discrimination are simply too conservative for the hour. The United States cannot take the race problem into the next century. My own view is that conservative opinions in the area of race relations result either from isolation from the black communities and their social problems or a failure to read our own peculiar history of race relations or both. And as we read history, we note that whenever great strides have been made by blacks in the past in the civil rights struggle, these have been succeeded by periods of backlash and eventual triumph by conservatives on the race issue. But reading history also reassures us that the present conservative Supreme Court is a transient phenomenon and will some day also pass into history, to be replaced at some time no doubt by a more liberal bench. Such a change will occur because, as John Quincy Adams said, America is a society guided by a revolutionary principle among the nations of the world, and that is, all persons are created equal and are endowed by their creator with certain inalienable rights, among which are life, liberty, and the pursuit of happiness. This principle has survived more than two hundred years. It has survived conservatives who came to power in the past, and I believe it will outlast them in the future. I believe it will survive as long as this country exists. It has already survived a civil war. It will survive as long as there are minorities in this country who feel that the majority has deprived them of life or liberty or the pursuit of happiness.

THE HONORABLE CONSTANCE BAKER MOTLEY, Senior Judge, United States District Court, Southern District of New York, is a graduate of New Haven High School, 1939, New York University, B.A., 1943, and Columbia Law School, L.L.B., 1946. Judge Motley was member of the Legal Defense and Education Fund, NAACP, from 1946 to 1965, President of the Borough of Manhattan, 1965–66, and appointed a United States District Judge in 1966.



Death of Capt. Ferrer, the Captain of the Amistad, July, 1839.

Don Jose Ruiz and Don Pedro Montez, of the Island of Cuba, having purchased fifty-three slaves at Havana, recently imported from Africa, put them on board the Amistad, Capt. Ferrer, in order to transport them to Principe, another port on the Island of Cuba. After being out from Havana about four days, the African captives on board, in order to obtain their freedom, and rose upon the Captain and crew of the vessel. Capt. Ferrer and the cook of the vessel were killed; two of the crew escaped; Ruiz and Montez were made prisoners.

A

HISTORY

OF THE

AMISTAD CAPTIVES:

BEING A

CIRCUMSTANTIAL ACCOUNT

OF THE

CAPTURE OF THE SPANISH SCHOONER AMISTAD,

BY THE AFRICANS ON BOARD;

THEIR VOYAGE, AND CAPTURE

NEAR LONG ISLAND, NEW YORK; WITH

BIOGRAPHICAL SKETCHES

OF EACH OF THE SURVIVING AFRICANS.

ALSO, AN ACCOUNT OF

THE TRIALS

HAD ON THEIR CASE, BEFORE THE DISTRICT AND CIRCUIT COURTS OF THE UNITED STATES, FOR THE DISTRICT OF CONNECTICUT.

COMPILED FROM AUTHENTIC SOURCES,

BY JOHN W. BARBER,

MEM. OF THE CONNECTICUT HIST. SOC.

NEW HAVEN, CT.:

PUBLISHED BY E. L. & J. W. BARBER.

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1840.

PREFACE.

THE capture of the Amistad with her cargo of native Africans, and the peculiar circumstances of the case, have excited an unusual degree of interest in this country, and in Europe. A correct statement of the facts of this extraordinary case, is deemed desirable, and the compiler has availed himself of the facilities at his command, for the attainment of this object. Free use has been made of what Professor GIBBS, of Yale College, and others, have published respecting the Africans. The compiler has also had the opportunity of personal conversation with them, by means of James Covey, the Interpreter, and has confined himself to a bare relation of facts.

J. W. B.

NEW HAVEN, CT., May, 1840.

Entered, according to Act of Congress, in the year 1840, by JOHN W. BARBER and EDMUND L. BARBER, in the Clerk's Office of the District Court of Connecticut.

HISTORY

OF THE

AMISTAD CAPTIVES, &c.

DURING the month of August, 1839, the public attention was somewhat excited by several reports, stating that a vessel of suspicious and piratical character had been seen near the coast of the United States, in the vicinity of New York. This vessel was represented as a "long, low, black schooner," and manned by blacks. The United States steamer Fulton, and several Revenue Cutters, were dispatched after her, and notice was given to the Collectors at various sea ports.

The following, giving an account of the capture of this vessel, and other particulars, is taken from the "New London Gazette."

"*The suspicious looking schooner*" *captured and brought in this port.*

Much excitement has been created in New York for the past week, from the report of several Pilot Boats having seen a clipper-built schooner off the Hook, full of negroes, and in such condition as to lead to the suspicion that she was a pirate. Several Cutters and naval vessels are said to have been dispatched in pursuit of her, but she has been most providentially captured in the Sound, by Capt. Gedney, of the surveying Brig Washington. We will no longer detain the reader, but subjoin the official account of the capture, very politely furnished to us by one of the officers.

"*U. S. Brig Washington,*
NEW LONDON, Aug. 26th, 1839.

"While this vessel was sounding this day between Gardner's and Montauk Points, a schooner was seen lying in shore off Culloden Point, under circumstances so suspicious as to authorize Lieut. Com. Gedney to stand in to see what was her character—seeing a number of people on the beach with carts and horses, and a boat passing to and fro, a boat was armed and dispatched with an officer to board her. On coming along side, a number of negroes were discovered on her deck, and twenty or thirty more were on the beach—two white men came forward and claimed the protection of the officer. The schooner proved to be the 'Amistad,' Capt. Ramonflues, from the Havannah, bound to Guanajah, Port Principe, with 54 blacks and two passengers on board; the former, four nights after they were out, rose and murdered the captain and three of the crew—they then took possession of the vessel, with the intention of returning to the coast of Africa. Pedro Montez, Passenger, and Jose Ruiz, owner of the slaves and a part of the cargo, were only saved to navigate the vessel. After boxing about for four days in the Bahama Channel, the vessel was steered for the Island of St. Andrews, near New Providence—from thence she went to Green Key, where the blacks laid in a supply of water. After leaving this place the vessel was steered by Pedro Montes, for New Providence, the negroes being under the impression that she was steering for the coast of Africa—they would not however permit her to enter the port, but anchored every night off the coast. The situation of the two whites was all this time truly deplorable, being treated with the greatest severity, and Pedro Montez, who had charge of the navigation, was suffering from two severe wounds, one on the head and one on the arm, their lives being threatened every instant. He was ordered to change the course again for the coast of Africa, the negroes themselves steering by the sun in the day time, while at night he would alter their course so as to bring them back to their original place of destination. They remained three days off Long Island, to the eastward of Providence, after which time they were two months on the ocean, sometimes steering to the eastward and whenever an occasion would permit, the whites would alter the course to the northward and westward, always in hopes of falling in with some vessel of war, or being enabled to run into some port, when they would be relieved from their horrid situation. Several times they were boarded by vessels; once by an American schooner from Kingston; on these occasions the whites were ordered below, while the negroes communicated and traded with the vessels; the schooner from Kingston

supplied them with a demijon of water for the moderate sum of one doubloon—this schooner, whose name was not ascertained, finding that the negroes had plenty of money, remained lashed alongside the 'Amistad' for twenty-four hours, though they must have been aware that all was not right on board, and probably suspected the the character of the vessel—this was on the 18th of the present month; the vessel was steered to the northward and westward, and on the 20th instant, distant from New York 25 miles, the Pilot Boat No. 3 came alongside and gave the negroes some apples. She was also hailed by No. 4: when the latter boat came near, the negroes armed themselves and would not permit her to board them; they were so exasperated with the two whites for bringing them so much out of their way, that they expected every moment to be murdered. On the 24th they made Montauk Light and steered for it in the hope of running the vessel ashore, but the tide drifted them up the bay and they anchored where they were found by the Brig Washington, off Culloden Point. The negroes were found in communication with the shore, where they laid in a fresh supply of water, and were on the point of sailing again for the coast of Africa. They had a good supply of money, some of which it is likely was taken by the people on the beach. After disarming and sending them on board from the beach, the leader jumped overboard with three hundred doubloons about him, the property of the Captain, all of which he succeeded in loosing from his person, and then submitted himself to be captured. The schooner was taken in tow by the brig and carried into New London."

"*Tuesday*, 12 *o'clock*, *M.*

We have just returned from a visit to the Washington and her prize, which are riding at anchor in the bay, near the fort. On board the former we saw and conversed with the two Spanish gentlemen, who were passengers on board the schooner, as well as owners of the negroes and most of the cargo. One of them, Jose Ruiz, is a very gentlemanly and intelligent young man, and speaks English fluently. He was the owner of most of the slaves and cargo, which he was conveying to his estate on the Island of Cuba. The other, Pedro Montez, is about fifty years of age, and is the owner of three of the slaves. He was formerly a ship master and has navigated the vessel since her seizure by the blacks. Both of them, as may be naturally supposed, are most unfeignedly thankful for their deliverance. Jose Pedro is the most striking instance of complacency and unalloyed delight we have ever witnessed, and it is not strange, since only yesterday his sentence was pronounced by the chief of the bucanniers, and his death song chanted by the grim crew, who gathered with uplifted sabres around his devoted head, which, as well as his arms, bear the scars of several wounds inflicted at the time of the murder of the ill-fated captain and crew. He sat smoking his Havana on the deck, and to judge from the martyr-like serenity of his countenance, his emotions are such as rarely stir the heart of man. When Mr. Porter, the prize master, assured him of his safety, he threw his arms around his neck, while gushing tears coursing down his furrowed cheek, bespoke the overflowing transport of his soul. Every now and then he clasped his hands, and with uplifted eyes, gave thanks to "the Holy Virgin" who had led him out of his troubles. Senor Ruiz has given us two letters for his agents, Messrs. Shelton, Brothers & Co. of Boston; and Peter A. Harmony & Co. of New York. It appears that the slaves, the greater portion of whom were his, were very much attached to him, and had determined after reaching the coast of Africa, to allow him to seek his home what way he could, while his poor companion was to be sacrificed.

On board the brig we also saw Cingue, the master spirit of this bloody tragedy, in irons. He is about five feet eight inches in height, 25 or 26 years of age, of erect figure, well built and very active. He is said to be a match for any two men on board the schooner. His countenance, for a native African, is unusually intelligent, evincing uncommon decision and coolness, with a composure characteristic of true courage, and nothing to mark him as a malicious man.

By physiognomy and phrenology, he has considerable claim to benevolence. According to Gall and Spurzheim, his moral sentiments and intellectual faculties predominate considerably over his animal propensities. He is said, however, to have killed the Captain and crew with his own hand, by cutting their throats. He also has several times attempted the life of Senor Montez, and the backs of several poor negroes are scored with scars of blows inflicted by his lash to keep them in subjection. He expects to be executed, but nevertheless manifests a *sang froid* worthy of a stoic under similar circumstances.

With Captain Gedney, the surgeon of the port, and others, we visited the schooner, which is anchored within musket shot of the Washington, and there we saw such a sight as we never saw before and never wish to see again. The bottom and sides of this vessel are covered with barnacles and sea-grass, while her rigging and sails presented an appearance worthy of the Flying Dutchman, after her fabled cruise. She is a Baltimore built vessel, of matchless model for speed, about 120 tons burthen, and about six years old. On her deck were grouped amid various goods and arms, the remnant of her Ethiop crew, some decked in the most fantastic manner, in silks and finery, pilfered from the cargo, while others, in a state of nudity, emaciated to mere skeletons, lay coiled upon the decks. Here could be seen a negro with white pantaloons, and the sable shirt which nature gave him, and a planter's broad brimmed hat upon his head, with a string of gewgaws about his neck; and another with a linen cambric shirt, whose bosom was worked by the hand of some dark-eyed daughter of Spain, while his nether proportions were enveloped in a shawl of gauze or Canton crape. Around the windlass were gathered the three little girls, from eight to thirteen years of age, the very images of health and gladness.

Over the deck were scattered in the most wanton and disorderly profusion, raisins, vermicelli, bread, rice, silk, and cotton goods. In the cabin and hold were the marks of the same wasteful destruction. Her cargo appears to consist of silks, crapes, calicoes, cotton, and fancy goods of various descriptions, glass and hard ware, bridles, saddles, holsters, pictures, looking-glasses, books, fruit, olives and olive oil, and "other things too numerous to mention"—which are now all mixed up in a strange and fantastic medley. On the forward hatch we unconsciously rested our hand on a cold object, which we soon discovered to be a naked corpse, enveloped in a pall of black bombazine. On removing its folds, we beheld the rigid countenance and glazed eye of a poor negro who died last night. His mouth was unclosed and still wore the ghastly expression of his last struggle. Near him, like some watching fiend,

sat the most horrible creature we ever saw in human shape, an object of terror to the very blacks, who said that he was a cannibal. His teeth projected at almost right angles from his mouth, while his eyes had a most savage and demoniac expression.

We were glad to leave this vessel, as the exhalations from her hold and deck, were like any thing but "gales wafted over the gardens of Gul." Captain Gedney has dispatched an express to the United States Marshal, at New Haven, while he has made the most humane arrangements for the health and comfort of the prisoners and the purification of the prize. There are now alive 44 negroes, 3 of whom are girls; about 10 have died. They have been at sea 63 days. The vessel and cargo were worth forty thousand dollars when they left Havana, exclusive of the negroes, who cost from 20 to 30 thousand dollars. Vessel and cargo insured in Havana.

There is a question for the laws of Admiralty to decide, whether captain Gedney and his fellow officers are entitled to prize or salvage money. To one or the other they are most surely entitled, and we hope they will get their just dues. Captain Gedney, when he first espied the Amistad, was running a line of sounding towards Montauk Point. He had heard nothing of this vessel being on the coast till after his arrival in this port."

The Amistad, as has been stated, anchored off Culloden Point, on the — of August, and the Africans went on shore to get a supply of water for their voyage. It appears that three of their number went up to some of the houses in the vicinity of their landing place, and bought of the inhabitants one or more dogs, for which they paid at the rate of three doubloons each. Capt. Green and some others who were on this part of the island, having heard of these circumstances, and having seen the account of the "suspicious looking schooner" in the newspapers, concluded that these black men were part of the crew of this vessel. Capt. Green, with four or five others, then proceeded to the shore, where they found eight or ten blacks on the beach. Cingue, the leader of the Africans, being one of the number on shore, gave a whistle, upon which all the blacks sprung around him: the whites then ran to their wagons for their guns. The blacks seeing this, sat down, and soon came to a parley with Capt. Green, giving up to him two guns, a knife, and a hat, and remained with him about four hours.

It appears from the testimony given on the trial of the case, that the blacks having been made to understand that there was a vessel of war in pursuit of them, and that there were no slaves or Spaniards in this part of the country, agreed to give up the schooner to Capt. Green, to be taken around to another part of the island, from whence they wished Capt. Green to carry them to Sierra Leone. At this time, or soon after, Lieut. Gedney having discovered the Amistad, dispatched a boat with an armed force and took possession, as has been related.

Cingue having been put on board of the Washington, displayed much uneasiness, and seemed so very anxious to get on board the schooner, that his keepers allowed him to return. Once more on the deck of the Amistad, the blacks clustered around him, laughing, screaming, and making other extravagant demonstrations of joy. When the noise had subsided, he made an address, which raised their excitement to such a pitch, that the officer in command, had Cingue led away by force. He was returned to the Washington, and was manacled to prevent his leaping overboard. On Wednesday he signified by motions, that if they would take him on board the schooner again, he would show them a handkerchief full of doubloons. He was accordingly sent on board. His fetters were taken off, and he once more went below, where he was received by the Africans in a still more wild and enthusiastic manner than he was the day previous. Instead of finding the doubloons, he again made an address to the blacks, by which they were very much excited. Dangerous consequences were apprehended; Cingue was seized, taken from the hold, and again fettered. While making his speech, his eye was often turned to the sailors in charge; the blacks yelled, leapt about, and seemed to be animated with the same spirit and determination of their leader. Cingue, when taken back to the Wash-

ington, evinced little or no emotion, but kept his eye steadily fixed on the schooner.—The following relative to the judicial investigation, &c. is taken from a newspaper published in New York:

"On Wednesday night, Captain Gedney despatched an express to the U. S. Marshal at New Haven, who gave information to his Honor A. T. Judson, U. S. District Judge. On Thursday morning, both these gentlemen arrived, and after careful deliberation, concluded to hold their Court on board the Washington, then lying off the Fort, within musket shot of the schooner. Lieut. Wolcott kindly offered the services to the U. S. cutter Experiment to take all interested on board the Washington. The U. S. Marshal politely took us under his protection.

JUDICIAL INVESTIGATION.

At anchor, on board the U. S. cutter Washington, commanded by Lieut Gedney.

New London, Aug. 23, 1839.

His Honor Andrew T. Judson, U. S. District Judge, on the bench, C. A. Ingersol, Esq. appearing for the U. S. District Attorney. The Court was opened by the U. S. Marshal. The clerk then swore Don Pedro Montez, owner of part of the cargo, and three of the slaves, and Don Jose Ruiz, also owner of part of the cargo, and forty-nine of the slaves. These gentlemen then lodged a complaint against Joseph Cingue, (the leader in the alledged offense,) Antonio, Simon, Lacis, Peter, Martin, Manuel, Andrew, Edward, Caledonis, Bartholomew, Raymond, Augustine, Evaristo, Casimiro, Mercho, Gabriel, Santaria, Escalastio, Paschal, Estanilaus, Desiderio, Nicholas, Stephen, Thomas, Corsino, Lewis, Bartolo, Julian, Frederick, Saturnio, Lardusolado, Celistino, Epifanio, Tevacio, Genancio, Philip, Francis, Hipiloto, Venito, Tidoro, Vicinto, Dionecio, Apolonio, Ezidiquiel, Leon, Julius, Hippoloto, 2d, and Zinon, or such of the above as might be alive at that time. It was ascertained that Joseph Cingue, and 38 others, were alive, and on the complaint an indictment was framed charging them with murder and piracy on board the Spanish schooner Amistad.

Joseph Cingue, the leader, was brought into the cabin manacled. He had a cord round his neck, to which a snuff box was suspended. He wore a red flannel shirt and duck pantaloons.

Lieut. R. W. Meade, who speaks the Spanish language both elegantly and fluently acted as an interpreter between the Spaniards and the court.

Several bundles of letters were produced, saved from the Amistad, and such as were unsealed, read. The contents being simply commercial can be of no interest to the reader. Among the papers were two licenses from the Governor of Havana, Gen. Ezpeleta, one for three slaves, owned by Pedro Montez, one of the men saved, and 49 owned by Senor Don Jose Ruiz, the other that has escaped, allowing the said slaves to be transported to Principe, and commanding said owners to report their arrival to the territorial Judge of the district, in which Principe is situated. A license was found permitting Pedro Montez, a merchant of Principe, to proceed to Matanzas, and transact business, which was endorsed by the Governor of Havana, and the officer of the port. Regular passports were produced, allowing the passengers to proceed to their destination. A license was found permitting Selestino Ferrers, a mulatto, owned by Captain Ramon Ferrers, and employed as a cook, to proceed on the voyage. Other licenses for each sailor were produced and read, all of which were regularly signed, and endorsed by the proper authorities.

The Custom House clearance, dated the 18th of May, 1839, was produced. Also another dated the 27th of June, 1839, all regular. Several licenses permitting goods to be shipped on board the Amistad, were read, and decided to be regular.

Lieut. R. W. Meade testified that he was in the boat which boarded the Amistad, and demanded the papers, which were unhesitatingly delivered. Previous to this demand Senor Don Jose Ruiz had claimed protection for himself and Don Pedro Montez, the only two white men on board. The protection was immediately granted and the vessel brought to New London.

Many of the events which are detailed in the narrative, were omitted in the evidence as having no bearing on the guilt or innocence of the accused, in the present state of the proceedings.

Senor Don Jose Ruiz was next sworn, and testified as follows. I bought 49 slaves in Havana, and shipped them on board the schooner Amistad. We sailed for Guanaja, the intermediate port for Principe. For the four first days every thing went on well. In the night heard a noise in the forecastle. All of us were asleep except the man at the helm. Do not know how things began; was awoke by the noise. This man Joseph, I saw. Cannot tell how many were engaged. There was no moon.

It was very dark. I took up an oar and tried to quell the mutiny; I cried no! no! I then heard one of the crew cry murder. I then heard the captain order the cabin boy to go below and get some bread to throw to them, in hopes to pacify the negroes. I went below and called on Montez to follow me, and told them not to kill me: I did not see the captain killed. They called me on deck, and told me I should not be hurt. I asked them as a favor to spare the old man. They did so. After this they went below and ransacked the trunks of the passengers. Before doing this, they tied our hands. We went on our course—don't know who was at the helm. Next day I missed Captain Ramon Ferrer, two sailors, Manuel Pagilla, and Yacinto ———, and Selestina, the cook. We all slept on deck. The slaves told us next day that they had killed all; but the cabin boy said they had killed only the captain and cook. The other two he said had escaped in the canoe—a small boat. The cabin boy is an African by birth, but has lived a long time in Cuba. His name is Antonio, and belonged to the Captain. From this time we were compelled to steer east in the day: but sometimes the wind would not allow us to steer east, then they would threaten us with death. In the night we steered west, and kept to the northward as much as possible. We were six or seven leagues from land when the outbreak took place. Antonio is yet alivê. They would have killed him, but he acted as interpreter between us, as he understood both languages. He is now on board the schooner. Principe is about two days sail from Havanna, or 100 leagues, reckoning 3 miles to a league. Sometimes when the winds are adverse, the passage occupies 15 days.

Senor Don Pedro Montez was next sworn. This witness testified altogether in Spanish, Lieut. R. W. Meade, interpreter.

We left Havana on the 28th of June. I owned 4 slaves, 3 females and 1 male. For three days the wind was ahead and all went well. Between 11 and 12 at night, just as the moon was rising, sky dark and cloudy, weather very rainy, on the fourth night I laid down on a matress. Between three and four was awakened by a noise which was caused by blows given to the mulatto cook. I went on deck, and they attacked me. I seized a stick and a knife with a view to defend myself. I did not wish to kill or hurt them. At this time the prisoner wounded me on the head severely with one of the sugar knives, also on the arm. I then ran below and stowed myself between two barrels, wrapped up in a sail. The prisoner rushed after me and attempted to kill me, but was prevented by the interference of another man. I recollect who struck me, but was not sufficiently sensible to distinguish the man who saved me. I was faint from loss of blood. I then was taken on deck and tied to the hand of Ruiz. After this they commanded me to steer for their country. I told them I did not know the way. I was much afraid, and had lost my senses, so I cannot recollect who tied me. On the second day after the mutiny, a heavy gale came on. I still steered, having once been master of a vessel. When recovered, I steered for Havanna, in the night by the stars, but by the sun in the day, taking care to make no more way than possible. After sailing fifty leagues, we saw an American merchant ship, but did not speak her. We were also passed by a schooner but were unnoticed. Every moment my life was threatened. I know nothing of the murder of the Captain. All I know of the murder of the mulatto is that I heard the blows. He was asleep when attacked. Next morning the negroes had washed the decks. During the rain the Captain was at the helm. They were all glad, next day, at what had happened. The prisoners treated me harshly, and but for the interference of others, would have killed me several times every day. We kept no reckoning. I did not know how many days we had been out, nor what day of the week it was when the officers came on board. We anchored at least thirty times, and lost an anchor at New Providence. When at anchor we were treated well, but at sea they acted very cruelly towards me. They once wanted me to drop anchor in the high seas. I had no wish to kill any of them, but prevented them from killing each other.

The prisoner was now sent to his quarters, and the Court adjourned to the schooner, that she might be inspected, and that Antonio when making his deposition might recognize those who murdered the Captain and his mulatto cook.

Adjourned investigation on board the Amistad.

Antonio, the slave of the murdered Captain, was called before the court, and was addressed in Spanish, by Lieut. Meade, on the nature of an oath. He said he was a Christian, and being sworn, he thus testified:

"We had been out four days when the mutiny broke out. That night it had been raining very hard, and all hands been on deck. The rain ceased, but still it was very dark. Clouds covered the moon. After the rain, the Captain and mulatto lay down on some matresses that they had brought on deck. Four of the slaves came aft, armed with those knives which are used to cut sugar cane; they struck the Captain across

the face twice or three times; they struck the mulatto oftner. Neither of them groaned. By this time the rest of the slaves had come on deck, all armed in the same way. The man at the wheel and another let down the small boat and escaped. I was awake and saw it all. The men escaped before Senor Ruiz and Senor Montez awoke. Joseph, the man in irons, was the leader; he attacked Senor Montez. Senor Montez fought with them and wanted them to be still. The Captain ordered me to throw some bread among them. I did so, but they would not touch it. After killing the Captain and the cook, and wounding Senor Montez, they tied Montez and Ruiz by the hands till they had ransacked the cabin. After doing so, they loosed them, and they went below. Senor Montez could scarcely walk. The bodies of the Captain and mulatto were thrown overboard and the decks washed. One of the slaves who attacked the Captain has since died. Joseph was one, two of them are now below. (The boy then went on deck and picked out the two negroes who had conspired to kill the Captain and mulatto.)

The examination of the boy being finished, the court returned by the conveyance which put it on board the Washington, and after being in consultation some time, came to the following decision:

Joseph Cingue, the leader, and 38 others, as named in the indictment, stand committed for trial before the next Circuit Court at Hartford, to be holden on the 17th day of September next.

The three girls and Antonio, the cabin boy, are ordered to give bonds in the sum of $100 each to appear before the said court and give evidence in the aforesaid case, and for want of such bonds to be committed to the county jail in the city of New Haven. These persons were not indicted. Lieut. R. W. Meade, Don Jose Ruiz, and Don Pedro Montez, are ordered to recognize in the sum of $100 each to appear and give evidence in said case, before the aforesaid court. The court now finally adjourned, having given an order to the U. S. Marshal, to transport them to New Haven. As we were about to leave, the following was put into our hands by Senor Ruiz, with a request that it might be published in all the city papers:

A CARD.

NEW LONDON, August 29, 1839.

The subscribers, Don Jose Ruiz, and Don Pedro Montez, in gratitude for their most unhoped for and providential rescue from the hands of a ruthless gang of African bucaneers and an awful death, would take this means of expressing, in some slight degree, their thankfulness and obligation to Lieut. Com. T. R. Gedney, and the officers and crew of the U. S. surveying brig Washington, for their decision in seizing the Amistad, and their unremitting kindness and hospitality in providing for their comfort on board their vessel, as well as the means they have taken for the protection of their property.

We also must express our indebtedness to that nation whose flag they so worthily bear, with an assurance that this act will be duly appreciated by our most gracious sovereign, her Majesty the Queen of Spain.

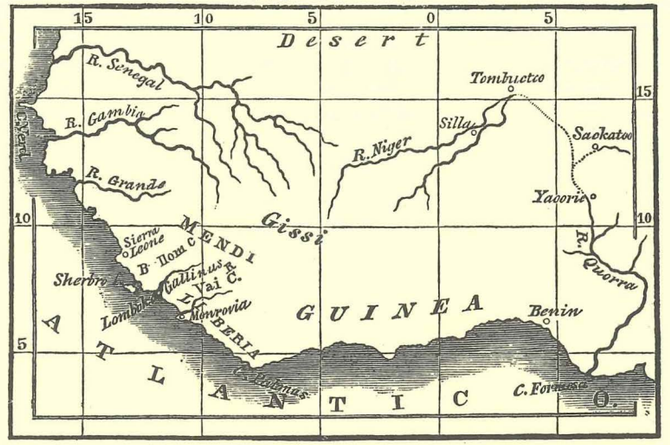
DON JOSE RUIZ,
DON PEDRO MONTEZ."

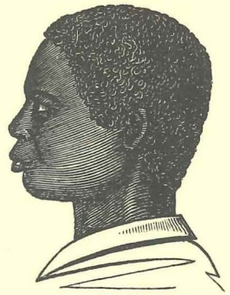
The Africans were put on board of a sloop, under the charge of Lieut. Holcomb, of the Washington, and Col. Pendleton, keeper of the New Haven prison. They arrived in New Haven on Sunday morning, Sept. 1st. Cingue, the leader, was separated from the rest, and was brought in by the revenue cutter Wolcott, Capt. Mather, in irons. The whole, forty-four in number, were put into the county Jail, of which, they occupied four apartments.

The following account of the Amistad captives, given individually, is partly drawn from that given by Professor Gibbs, and partly from personal conversation had with them by the compiler, by means of James Covey, the interpreter. The profiles accompanying the sketch of each, were mostly taken by a pentagraph from busts, executed from casts taken from the faces of the Africans, by Mr. S. Moulthrop, of New Haven; they may, therefore, be considered as mathematically correct. The French sound of the vowels is the one adopted in the orthography of names.

[The map (page 9) is given to assist the reader in understanding some parts of the outline history of the individual Africans, which is here attempted. It gives the relative situation of the Mendi country, with regard to other portions of Africa. The distance from Freetown, Sierra Leone, to Monrovia, Liberia, is in a direct line, about two hundred miles. It will be seen on the map, that Gallinas river discharges its waters into the ocean between these two places. Lomboko, the place from where the Africans were embarked for Havana, is an island at the mouth of the Gallinas.]

Map of part of Western Africa.





No. 1.

(1.) SING-GBE, [**Cin-gue,**] (generally spelt *Cinquez*) was born in Ma-ni, in Dzho-poa, *i. e.* in *the open land*, in the Men-di county. The distance from Mani to Lomboko, he says, is ten suns, or days. His mother is dead, and he lived with his father. He has a wife and three children, one son and two daughters. His sons name is *Ge-waw*, (God.) His king, Ka-lum-bo, lived at Kawmen-di, a large town in the Mendi country. He is a planter of rice, and never owned or sold slaves. He was seized by four men, when traveling in the road, and his right hand tied to his neck. Ma-ya-gi-la-lo sold him to Ba-ma-dzha, son of Shaka, king of Gen-du-ma, in the Vai country. Bamadzha carried him to Lomboko and sold him to a Spaniard. He was with Mayagila three nights; with Bamadzha one month, and at Lomboko two months. He had heard of Pedro Blanco, who lived at Te-i-lu, near Lomboko.*

No. 2,

(2.) GI-LA-BA-RU, [**Grab-eau,**] (*have mercy on me,*) was born at Fu-lu, in the Mendi country, two moons' journey into the interior. His name in the public prints is generally spelt GRABEAU, He was the next after Cingue in command of the Amistad. His parents are dead, one brother and one sister living. He is married, but no children; he is a planter of rice. His king Baw-baw, lived at Fu-lu. He saw Cingue at Fulu and Fadzhinna, in Bombali. He was caught on the road when going to Taurang, in the Bandi country, to buy clothes. His uncle had bought two slaves in Bandi, and gave them in payment for a debt; one of them ran away, and he (Grabeau) was taken for him. He was sold to a Vai-man, who sold him to Laigo, a Spaniard, at Lomboko. Slaves in this place are put into a prison, two

*The following is a phrenological description of the head of Cingue as given by Mr. Fletcher: "Cingue appears to be about 26 years of age, of powerful frame, bilious and sanguine temperament, bilious predominating. His head by measurement is 22 3-8 inches in circumference, 15 inches from the root of the nose to the occipital protuberance over the top of the head, 15 inches from the Meatus Auditorious to do. over the head, and 5 3-4 inches through the head at destructiveness.

The development of the faculties is as follows: Firmness; self-esteem; hope—very large. Benevolence; veneration; conscientiousness; approbativeness; wonder; concentrativeness; inhabitiveness; comparison; form—large. Amativeness; philoprogenitiveness; adhesiveness; combativeness; de-

are chained together by the legs, and the Spaniards give them rice and fish to eat. In his country has seen people write—they wrote from right to left. They have cows, sheep, and goats, and wear cotton cloth. Smoking tobacco is a common practice. None but the rich eat salt, it costs so much. Has seen leopards and elephants, the latter of which, are hunted for ivory. Grabeau is four feet eleven inches in height; very active, especially in turning somersets. Besides Mendi, he speaks Vai, Kon-no and Gissi. He aided John Ferry by his knowledge of Gissi, in the examination at Hartford.

No. 3.

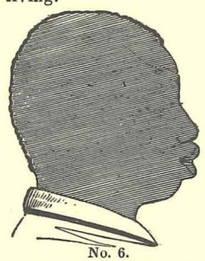
No. 4.

No. 5.

(3.) **Kimbo** (*cricket*) is 5 ft. 6 in. in height, with mustaches and long beard; in middle life, and is intelligent. He was born at Maw-ko-ba, a town in the Mendi country; his father was a gentleman, and after his death, his king took him for his slave, and gave him to his son Ban-ga, residing in the Bullom country. He was sold to a Bullom man, who sold him to a Spaniard at Lomboko. He counts thus: 1, etá; 2, filî; 3, kiau-wá; 4, náeni; 5, lóelu; 6, wêta; 7, wafurá; 8, wayapá; 9, tá-u; 10, pu.—Never saw any books in his country. When people die in his country, they suppose the spirit lives, but where, they cannot tell.

(4.) Nazha-u-lu, (*a water stick,*) also called from his country, **Kon-no-ma,** is 5 ft. 4 in. in height, has large lips, and projecting mouth, his incisor teeth pressed outward and filed, giving him rather a savage appearance; he is the one who was supposed to be a cannibal, (see page 5,) tattooed in the forehead with a diamond shaped figure. He was born in the Konno country: his language is not readily understood by Covey, the interpreter. Kon-no-ma recognizes many words in Mungo Park's Mandingo vocabulary.

(5.) **Bur-na,** the younger, height 5 ft. 2 in. lived in a small town in the Mendi country. He counts in Tim-ma-ni and Bullom. He was a blacksmith in his native village, and made hoes, axes, and knives; he also planted rice. He was sold for crim. con. to a Spaniard at Lomboko. He was taken in the road, and was four days in traveling to Lomboko. Has a wife and one child, a father, three sisters and brother living.



No. 6.

No. 7.

No. 8.

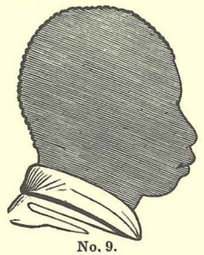
(6.) Gba-tu, [**Bar-tu,**] (*a club or sword,*) height 5 ft. 6 in. with a tattooed breast, was born in the country of Tu-ma, near a large body of fresh water, called Ma-wu-a. His father is a gentleman and does no work. His king, named *Da-be*, resided in the

structiveness; secretiveness; constructiveness; caution; language; individuality; eventuality; causality; order—average. Alimentiveness; acquisitiveness; ideality; mirthfulness; imitation; size; weight; color; locality; number; time; tune—moderate and small. The head is well formed and such as a phrenologist admires. The coronal region being the largest, the frontal and occipital nearly balanced, and the basilar moderate. In fact, such an African head is seldom to be seen, and doubtless in other circumstances would have been an honor to his race.'

town of Tu-ma. He was sent by his father to a village to buy clothes; on his return, he was seized by six men, and his hands tied behind; was ten days in going to Lomboko. There are high mountains in his country, rice is cultivated, people have guns; has seen elephants. *Remark.*—There is a village called Tu-ma, in the Timmani country, 60 miles from Sierra Leone, visited by Major Laing.

(7.) **Gna-kwoi** (in *Ba-lu* dialect, *second born*) was born at *Kong-go-la-hung*, the largest town in the Balu country. This town is situated on a large river called in Balu, *Za-li-ba;* and in Mendi, *Kal-wa-ra:* fish are caught in this river as large as a man's body—they are caught in nets and sometimes shot with guns. When going to the gold country to buy clothes, he was taken and sold to a Vai man who sold him to a Spaniard named *Péli*. Gna-kwoi has a wife and one child; he calls himself a Balu-man; has learned the Mendi language since he was a slave; 5 ft. 6 in. in height.

(8.) **Kwong** was born at Mam-bui, a town in the Mendi country. When a boy he was called Ka-gnwaw-ni. Kwong is a Bullom name. He was sold by a Timmani gentleman in the Du-bu country, for crim. con. with his wife, to Luisi, a Spaniard, at Lomboko. He is in middle life, 5 ft. 6 in. high.



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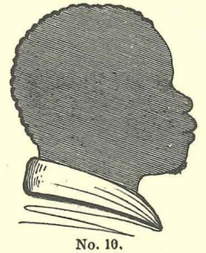

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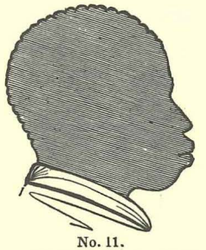
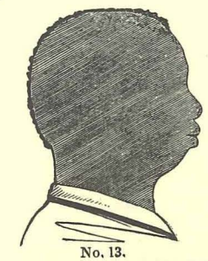


No. 11.

(9.) **Fu-li-wa,** Fu-li, (*sun,*) called by his fellow prisoners Fuliwa, (*great Fuli*) to distinguish him from Fu-li-wu-lu, (*little Fuli,*) was born at Ma-no, a town in the Mendi country, where his king, *Ti-kba*, resided. He lived with his parents, and has five brothers. His town was surrounded by soldiers, some were killed, and he with the rest were taken prisoners. He passed through the Vai country, when taken to Lomboko, and was one month on the journey. He is in middle life, 5 ft. 3 in. high, face broad in the middle, with a slight beard. It was this Fuli who instituted the suit against Ruiz and Montez.

(10.) **P-ie,** *Pi-e*, or *Bi-a*, (5 ft. 4½ in. high,) calls himself a Timmani, and the father of Fu-li-wu-lu. He appears to have been distinguished for hunting in his country: says he, has killed 5 leopards, 3 on the land, and 2 in the water; has killed three elephants. He has a very pleasant countenance; his hands are whitened by wounds received from the bursting of a gun barrel, which he had overloaded when showing his dexterity. He had a leopards skin hung up on his hut, to show that he was a hunter. He has a wife and four children. He recognizes with great readiness the Timmani words and phrases contained in Winterbottom's account of Sierra Leone. He and his son, seemed overjoyed to find an American who could articulate the sound of their native tongue.

No. 12.



No. 13.

No. 14.

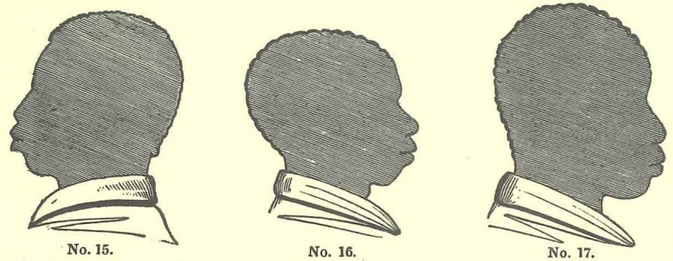
(11.) Pu-gnwaw-ni, [**Pung-wu-ni,**] (*a duck,*) 5 ft. 1 in. high, body tatooed, teeth filed, was born at Fe-baw, in Sando, between Mendi and Konno. His mother's broth-

er sold him for a coat. He was taken in the night, and was taken a six days' journey, and sold to Garlobá, who had four wives. He staid with this man two years, and was employed in cultivating rice: His master's wives and children were employed in the same manner, and no distinction made in regard to labor:

(12.) **Ses-si,** 5 ft. 7½ in. with a sly and mirthful countenance, was born in Massa-kum, in the Bandi country, where his king, *Pa-ma-sa*, resided. He has three brothers, two sisters, a wife, and three children. He is a blacksmith, having learnt that trade of his brother; he made axes, hoes, and knives from iron obtained in the Mendi country: He was taken captive by soldiers and wounded in the leg. He was sold twice before he arrived at Lomboko, where he was kept about a month: Although a Bandi, he appears to have been able to talk in Mendi.

(13) **Mo-ru,** middle age, 5 ft. 8½ in. with full negro features, was born at Sanka, in the Bandi country: His parents died when he was a child. His master, Margoná, who sold him, had ten wives and many houses; he was twenty days on his journey to Lomboko. He was sold to Be-le-wa, (*great whiskers,*) i. e. to a Spaniard.

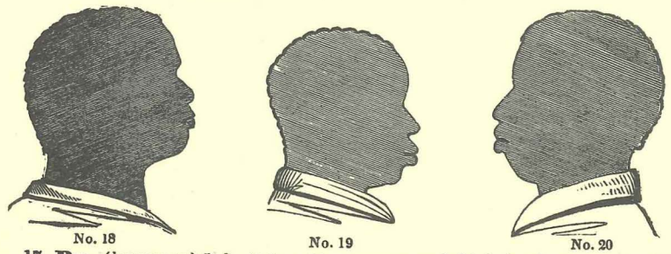
(14.) **Ndam-ma,** (*put on, or up,*) 5 ft. 3 in. a stout built youth, born in the Mendi country, on the river Ma-le. His father is dead, and he lived with his mother; has a brother and sister. He was taken in the road by twenty men, and was many days in traveling to Lomboko.



No. 15. No. 16. No. 17.

(15.) **Fu-li-wu-lu**—*Fuli*, or, as the name has been written, Furie, (*sun,*) called Fuliwulu, to distinguish him from Fuliwa, (*great Fuli,*) lived with his parents in the Timmani, near the Mendi country. He is the son of Pie, (No. 10.) He was taken with his father, by an African, who sold him to a Bullom man, who sold him to Luis, a Spaniard at Lomboko. He has a depression in the skull from a wound in the forehead. 5 ft. 2⅜ in. in height.

(16.) **Ba-u,** (*broke,*) 5 ft. 5 in. high, sober, intelligent looking, and rather slightly built. Has a wife and three children. He was caught in the bush by 4 men as he was going to plant rice; his left hand was tied to his neck; was ten days in going to Lomboko. He lived near a large river named Wo-wa. In his country all have to pay for their wives; for his, he had to pay 10 clothes, 1 goat, 1 gun, and plenty of mats; his mother made the cloth for him.



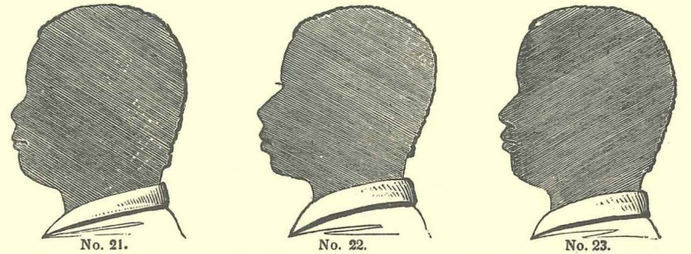
No. 18 No. 19 No. 20

17. **Ba,** (*have none,*) 5 ft. 4½ in. with a narrow and high head; in middle life. Parents living, 4 brothers and 4 sisters; has got a wife and child. He is a planter of rice. He was seized by two men in the road, and was sold to a Gallina Vai man, who sold him to a Spaniard. High mountains in his country, but small streams; cotton cloth is manufactured, and hens, sheep, goats, cows, and wild hogs, are common.

(18.) **Shu-le,** (*water fall,*) 5 ft. 4 in. the oldest of the Amistad captives, and the fourth in command, when on board the schooner. He was born at Konabu, in the open land, in the Mendi country. He was taken for a slave by Ma-ya, for crim. con. with his wife. Momawru caught both him and his master Ma-ya, and made them slaves, and sold them to a man who sold him to the Spaniards at Lomboko. There is a large river in his country named *Wu-wa*, which runs from Gissi, passes through Mendi, and runs south into the Konno country.

(19.) **Ka-le,** (*bone,*) 5 ft. 4 in. small head and large under lip, young and pleasant. His parents living; has two sisters. He was taken while going to a town to buy rice. He was two months in traveling to Lomboko.

(20.) **Ba-gna,** (*sand* or *gravel,*) 5 ft. 3 in. was born at Du-gau-na, in the Konno country, where his king, *Da-ga*, lived. His parents are dead, and he lived with his brother, a planter of rice.

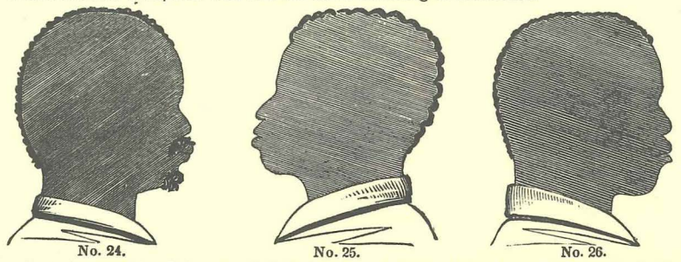


No. 21. No. 22. No. 23.

(21.) **Sa,** 5 ft. 2 in. a youth with a long narrow head. He was the only child of his parents, and was stolen when walking in the road, by two men. He was two months in traveling to Lomboko.

(22.) **Kin-na,** (*man* or *big man,*) 5 ft. 5½ in. has a bright countenance, is young, and, since he has been in New Haven, has been a good scholar. His parents and grandparents were living; has four brothers and one sister. He was born at Sima-bu, in the Mendi country; his king, Sa-mang, resided at the same place. He was seized when going to Kon-gol-li, by a Bullom man, who sold him to Luiz, at Lomboko.

(23.) Ndzha-gnwaw-ni, **[Nga-ho-ni,]** (*water bird,*) 5 ft. 9 in. with a large head, high cheek bones, in middle life. He has a wife and one child; he gave twenty clothes and one shawl for his wife. He lived in a mountainous country; his town was formerly fenced around, but now broken down. He was seized by four men when in a rice field, and was two weeks in traveling to Lomboko.



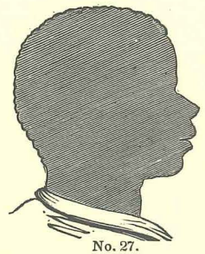
No. 24. No. 25. No. 26.

(24.) Fang, **[Fa-kin-na,]** 5 ft. 4 in. head elevated in the middle, stout built, and middle aged. He was born at Dzho-po-a-hu, in the Mendi country, at which place his father, *Baw-nge*, is chief or king. He has a wife and two children; was caught in the bushes by a Mendi man, belonging to a party with guns, and says he was ten days in traveling to Lomboko after being a slave to the man that took him, less than a mouth.

(25.) Fahi-dzhin-na, **[Fa-gin-na,]** (*twin,*) 5 ft. 4 in. marked on the face with the small pox; was born at Tom-bo-lu, a town Bombali, in the Mendi country. He was made a slave by a Tamu for crim. con. with his wife. Tamu sold him to a

Mendi man, wo sold him to Laigo, a Spaniard, the same who purchased Grabeau. He says many people in his country have the small pox, to cure which, they oil their bodies.

(26.) **Ya-boi,** 5 ft. 7 in. large head, stout built, and in middle life; was born at Kon-do-wa-lu, where his king, Ka-kbe-ni, (*lazy,*) resided. His village was surrounded by soldiers, and he was taken by Gillewa, a Mendi man, to whom he was a slave ten years. Had a wife and one child. Gillewa sold him to Luiz, the Spaniard.



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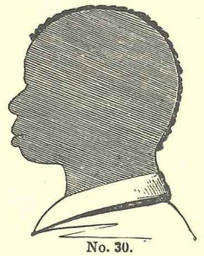
(27.) **Fa-ban-na,** (*remember,*) 5 ft. 5 in. large round head, tattooed on the breast; in middle life; he and Grabeau were from the same country, both having the same king. He has two wives and one child; all lived in one house. His village was surrounded by soldiers: he was taken prisoner, sold twice, the last time to a Spaniard at Lomboko.

(28.) **Tsu-ka-ma,** (*a learner,*) 5 ft. 5½ in. young, with a pleasant countenance; was born at Sun-ga-ru, in the Mendi country; where his king, Gnam-be, resided: has parents living, 3 sisters, and 4 brothers. He was taken and sold into the Bullom country, where he lived for a time with his master, who sold him to Luiz, at Lomboko.

(29.) Be-ri, **[Ber-ri,]** (*stick,*) 5 ft. 3 in. with mustaches and beard, broad nose; in middle life. He was born at *Fang-te,* in Gula, a large fenced town, where his king, Ge-le-wa, resided. He was taken by soldiers, and was sold to Shaka, king of Genduma, in the Vai or Gallina country, who sold him to a Spaniard. Genduma is on a fresh water river, called *Boba.* It is three or four miles from the river, and nine from the sea.



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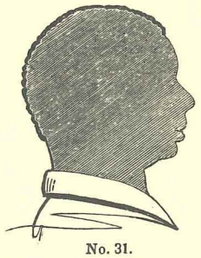

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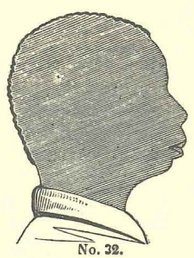


No. 32.

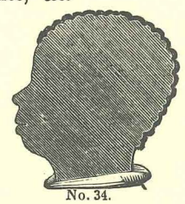
(30.) Faw-ni, **[Fo-ni,]** 5 ft. 2 in. stout built; in middle life. He was born at Bum-be, a large town in the Mendi country: the name of his king was Ka-ban-du. He is married, and has parents, brothers, and sisters living. He was seized by two men as he was going to plant rice. He was carried to Bem-be-law, in the Vai country, and sold to Luiz, who kept him there two months, before he took him to Lomboko. From Bem-be-law to Lomboko is one day's walk.

(31.) **Bur-na,** (*twin,*) the elder, has a cast in the eye; was taken when going to the next town, by three men. His father is dead, and he lived with his mother; has four sisters and two brothers. When his father died his brother married; all lived in the same house. In his country are high mountains, but no rivers; has seen elephants and leopards. He was six weeks in traveling to Lomboko, where he was kept three and a half moons.

(32.) **Shuma,** (*falling water,*) 5 ft. 6 in. with mustaches and beard; in middle life. He can count in the Mendi, Timmani, and Bullom. His parents have

been dead a long time; has a wife and one child, was taken prisoner in war, and it was four moons after he was taken, before he arrived at Lomboko. Shuma spoke over the corpse of Tua, after the Rev. Mr. Bacon's prayer. The substance of what he said, as translated by Covey, was, "Now Tua dead, God takes Tua,—we are left behind—No one can die but once," &c.

No. 33.



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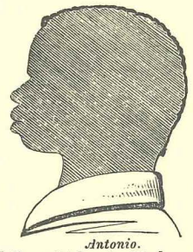
No. 35.

(33.) **Ka-li,** (*bone,*) 4 ft. 3 in. a small boy, with a large head, flat and broad nose, stout built. He says his parents are living; has a sister and brother; was stolen when in the street, and was about a month in traveling to Lomboko.

(34.) **Te-me,** (*frog,*) 4 ft. 3 in. a young girl, says she lived with her mother, with an elder brother, and sister; her father was dead. A party of men in the night broke into her mother's house, and made them prisoners; she never saw her mother or brother afterwards, and was a long time in traveling to Lomboko.

(35.) **Ka-gne,** (*country,*) 4 ft. 3 in. a young girl. She counts in Mendi like Kwong, she also counts in Fai or Gallina, imperfectly. She says her parents are living, and has four brothers and four sisters; she was put in pawn for a debt by her father which not being paid, she was sold into slavery, and was many days in going to Lomboko.

No. 36.



Antonio.

(36.) **Mar-gru,** (*black snake,*) 4 ft. 3 in. a young girl, with a large, high forehead; her parents were living; she had four sisters and two brothers; she was pawned by her father for a debt, which being unpaid, she was sold into slavery.

The foregoing list comprises all the Africans captured with the Amistad, now [May, 1840] living. Six have died while they have been in New Haven; viz. 1, *Fa,* Sept. 3d, 1839; 2, *Tua* (a Bullom name) died Sept. 11th; 3, *We-lu-wa* (a Bandi name) died Sept. 14th; 4, *Ka-ba,* a Mendi man, died Dec. 31st; 5, *Ka-pe-li,* a Mendi youth, died Oct. 30; 6, *Yam-mo-ni,* in middle life, died Nov. 4th.

James Covey.

JAMES COVEY, the interpreter for the Africans, is apparently about 20 years of age; was born at Benderi, in the Mendi country. His father was of Kon-no descent, and his mother Gissi. Covey was taken by three men, in the evening, from his parents' house, at Go-la-hung, whither they had removed when he was quite young. He was carried to the Bullom country, and sold as a slave to Ba-yi-mi, the king of the Bul-loms, who resided at Mani. He lived there for three years, and was employed to plant rice for the wife of Ba-yi-mi, who treated him with great kindness. He was sold to a Portuguese, living near Mani, who carried him, with 200 or 300 others to Lomboko, for the purpose of being transported to America. After staying in this place about one month, Covey was put on board a Portuguese slave-ship, which, after being out about four days from Lomboko, was captured by a British armed vessel, and carried into Sierra Leone. Covey thus obtained his freedom, and remained in this place five or six years, and was taught to read and write the English language, in the schools of the Church Missionary Society. Covey's original name was *Kaw-we-li,* which signifies, in Mendi, *war road,* i. e., a road dangerous to pass, for fear of being taken captive. His Christian name, James, was given him by Rev. J. W. Weeks, a Church Missionary, at Sierra Leone. In Nov., 1838, he enlisted as a sailor on board the British brig of war Buzzard, commanded by Captain Fitzgerald. It was on board this vessel, when at New York, in Oct., 1839, that James was found, amid some twenty native Africans, and by the kindness of captain Fitzgerald, his services as an interpreter were procured.

On the 14th of September, 1839, all the captured Africans, with the exception of Burna, who was left sick at New Haven, were removed to Hartford to await their trial. On Wednesday, the 18th, Judge Thompson took his seat. In the afternoon the council for the blacks, Messrs. S. P. Staples and T. Sedgwick, Jr. of New York, and R. S. Baldwin of New Haven, moved for a habeas corpus to the Marshal, directing him to bring up the three African girls, they not being implicated in the criminal charge. The writ was granted and made returnable the next morning.

On Thursday, the matter of the habeas corpus was postponed till the afternoon' and the District Court was opened by Judge Judson, he quitting the bench of the Circuit Court. The libels and claims in relation to the Amistad were then read and filed as follows; 1st. Lieut. Gedney and Meade, filed their libel praying for salvage. 2d. Captain Green, of Long Island, by Governor Ellsworth, his Attorney, put in his libel for salvage also. 3d. Pedro Montez filed his libel against part of the cargo, and four of the slaves, three girls and one boy, as his property. 4th. Jose Ruiz filed his libel against the remainder of the slaves and the balance of the property; and lastly, the District Attorney, Mr. Hollabird, filed a claim under Lieut. Gedney's libel, on two distinct grounds: one that these Africans had been claimed by the Government of Spain, and ought to be retained till the pleasure of the Executive might be known as to that demand, and the other, that they should be held subject to the disposition of the President, to be re-transported to Africa, under the act of 1819.

The Spanish Consul also asked leave to file a libel in behalf of the owners abroad. The counsel who appeared for the Spanish owners, were Messrs. R. I. Ingersoll, W. Hungerford, and Mr. Purroy of New York.

The only matter of consequence which occurred at this time, was that the District Judge said he had come to the decision that there could be no claim for salvage as to the Africans.

Thursday, P. M.—The three African girls were brought into Court weeping, and evidently much terrified at the separation from their companions:—the eldest being about eleven years of age. The Marshal then made his return, and justified the detention of these negroes under the libel of Lieut. Gedney—the claim of the United States, the libel of Pedro Montez, and also under an order of the District Judge, committing them as witnesses to appear at this Court. The counsel for the Africans asked leave to consider this return, and it was granted till the next morning.

On Friday, the matter of the habeas corpus was called up, and Mr. Sedgewick read the answer to the Return, setting out at length the Spanish decrees suppressing the slave trade, and alleging these Africans to have been born and still of right to be free. Mr. Baldwin followed in a very elaborate argument, denying the jurisdiction of the Court, as the property was found at Long Island, and in the District of New York—the right of Gedney as salvor—the claim of Montez as a purchaser of slaves illegally imported into Cuba, and the authority of the District Attorney to make any claim in behalf of the Spanish Government, or that of the United States. In regard to their being recognized as witnesses, an offer was made to give security for them, and in relation to the claim of Lieut. Gedney, the Court remarked that, under the decision of the District Judge, they could not be held by any process under that libel.—Thus two of the obstacles to their discharge were removed: there remained the libel of the alleged owner, and the claim of the United States.

Mr. R. I. Ingersoll replied to Mr. Baldwin, insisting that the rights of the owners were the proper subjects of the cognizance of the District Court, and that this Court should not interfere by this summary process to deprive them of the opportunity of establishing those rights. He further insisted that by the treaty of 1795 with Spain, the rights of these owners were guaranteed, and that the President was bound to surrender them.

The argument was now interrupted by the Grand Jury coming in, and requesting the Court to give them instructions respecting the murder alledged to have been committed on board the Amistad. Upon an intimation of the judge, they presented a statement of the facts of the case, and this the Court took time to consider.

On the re-opening of the Court at 2 P. M., the Court delivered its charge to the Grand Jury, instructing them that the offense of Cingue and his associates, (if offense it was,) being committed on board a Spanish vessel, was not cognizable in our courts. This gave a final disposition of the question whether these Africans could be capitally punished in this country, and the Grand Jury having no other business before them were discharged.

On the opening of the Circuit Court on Saturday morning, Judge Thompson said the Court were not prepared as yet, to dispose of the case under consideration, *finally;* and that any intimations he might then throw out, ought not to be taken as the ultimate views of the Court. On the conclusion of his remarks, he proposed that the case should be kept open until afternoon, and then have it argued. A writ of *habeas corpus* was taken out in the course of the forenoon on the petition of Erastus Smith, Esq. of Hartford, for all the other African prisoners returnable before this Court. The Court then took a recess until 2 o'clock. The arguments on the question were closed on Saturday evening. Messrs. Baldwin and Staples addressed the Court in an able manner, about one hour each, on the question of jurisdiction, and were opposed by Messrs. Hungerford and Ingersoll. Mr. Staples, in his plea, argued that if there was jurisdiction any where, it was in the Southern District of New York.

On the opening of the Circuit Court, on Monday the 23d, Judge Thompson delivered the opinion of the Court. He stated that the question now to be decided, was not as to the ultimate rights of either party, but simply as to the right of the District Court to take cognizance of the case. Had the seizure been made within the limits of the District of New York, the District Court of Connecticut could not have jurisdiction; if the seizure was made on the high seas, as it appeared to be in this case, the District Court of any District to which the property was brought, has jurisdiction. Judge Thompson, in denying the discharge of the Africans, under the writ of the *habeas corpus*, wished to be distinctly understood, that, in denying their discharge, he did not decide that they were not entitled to their freedom, but only left the case in a regular way for decision in another tribunal, from whose decision an appeal might be taken to that Court, and if desired, to the Supreme Court of the United States.

After the adjournment of the Circuit Court, the District Court was opened. Judge Judson said that he should direct an examination of the place where the Amistad was taken, should be made, to determine where the seizure was actually made. The Court was then adjourned to meet in Hartford, on the third Tuesday in November, after the Judge had directed the U. S. Marshal, to see that the prisoners should be comfortably provided for, with regard to food, clothing, &c. In pursuance of this direction, the Africans were remanded back to the prison in New Haven.

On the 17th of October, Messrs. Ruiz and Montez were arrested in New York, on two processes, at the suites of Cingue and Fuli, for assault and battery, and false imprisonment. Being unable, or unwilling to give bail for $1000, which was required, the Spaniards were lodged in prison. On a hearing of the case before Judge Inglis, he decided that Montez should be discharged on finding common or nominal bail, and that the amount of bail for Ruiz, should be reduced to two hundred and fifty dollars.

On Tuesday, the 19th of October, the District Court at Hartford, met agreeable to the adjournment, and the examination of witnesses occupied the whole day. On Wednesday, seven of the Africans were brought in Court, and after some further examination respecting the place of seizure, the Court was adjourned to sit in New Haven, on January 7th, 1840.

On the day of the adjournment, Judge Judson held a session at his chamber in the City Hotel, for the purpose of receiving the testimony of Dr. R. R. Madden, who had recently arrived in this country from Havana, on his return to England. He stated that he was a British subject, and had

been a resident at Havana for more than three years, and had held official stations there for three years; that the office he now held was that of Commissioner of liberated Africans, and for one year held that of British Commissioner in the Mixed Court of Justice: that the duties of his office made him well acquainted with the details of slavery and slave trade in Cuba. He stated that for the last three years, from *twenty*, to *twenty-five thousand* slaves from Africa, were yearly introduced into the island of Cuba, although it has been in violation of the Spanish law ever since 1820. The Spanish authorities never interfere to stop this illegal trade, but connive at it, receiving ten dollars a head for every negro thus introduced, which is called a voluntary contribution, but is in reality a tax, which has no legal sanction for its imposition. Dr. M. also stated that he had seen the Africans, who were captured in the Amistad, and that they were of that class called in Cuba, *Bozal*, a term given to negroes recently from Africa: that the document then produced before him, dated June 26th, 1839, and signed by Espelata, the Captain General of Cuba, was a permit for the transportation of 49 slaves on board of the Amistad from Havana: that they are called in the permit, *Ladinos*, a term given to negroes long settled and acclimated in Cuba.

That the custom, on landing the negroes illegally introduced by the slave traders of the Havana, is to take them immediately to the Barracoons, or slave marts, which are fitted up exclusively for the reception and sale of Bozal negroes lately introduced, where they are kept by the slave traders till sold, generally for a period of two or three weeks; that among the slave traders of the Havana, one of the houses, the most openly engaged and notoriously implicated in slave trade transactions, is that of Martinez & Co., and that the custom of this house is, like all other slave traders of the Havana, to send the negroes they import into the island, immediately after landing, to the Barracoons.

Dr. Madden also stated in his testimony, the trespasses or permits, for all such negroes are commonly and usually obtained at the Havana, simply on application to the authorities. The "Bozal" negroes are called "Ladinos," and no examination is made by the Governor, or any officer of his, into the truth of the statement, but the permit is granted for the removal of the negroes falsely called Ladinos, on the simple application of the buyers, on the payment of the fees, and no oath required of them.

That to apply for these permits, and obtain them, representing Bozal negroes as Ladinos, as in the present case, is a fraud on the part of the purchaser, which cannot take place without connivance at the trade, and collusion with the slave traders on the part of the authorities. That the vast numbers of Bozals thus illegally introduced are by these means carried into the interior, and fall into hopeless slavery.

The efforts of the committee on behalf of the Africans, were, after the adjournment of the September court, crowned with success. Two native Africans belonging to the crew of the British brig of war Buzzard, which came into New York in July, from a cruise on the coast of Africa, were found to speak the same language of the prisoners. With the consent of Capt. Fitzgerald, they were allowed to come on to New Haven. When taken to the prison, the African captives were at breakfast, and the Marshal objected to their entrance till they had finished. One of the captives, however, coming to the door and finding one who could talk in his own language, took hold of him and literally dragged him in. Breakfast was forgotten, all seemed overwhelmed with joy, all talking as fast possible.

The following communication from Mr. Day, of New Haven, gives a summary account of the African captives, as stated by themselves, from the time they left Africa, till the time they obtained possession of the Amistad:

New Haven, Oct. 8, 1839.

[To the Editors of the Journal of Commerce.]

Gentlemen—The following short and plain narrative of one or two of the African captives, in whose history and prospects such anxious interest is felt, has been taken

at the earliest opportunity possible, consistently with more important examinations. It may be stated in general terms, as the result of the investigations thus far made, that the Africans all testify that they left Africa about six months since; were landed under cover of the night at a small village or hamlet near Havana, and after 10 or 12 days were taken through Havana by night by the man who had bought them, named *Pipi*, who has since been satisfactorily proved to be Ruiz; were cruelly treated on the passage, being beaten and flogged, and in some instances having vinegar and gunpowder rubbed into their wounds; and that they suffered intensely from hunger and thirst. The perfect coincidence in the testimony of the prisoners, examined as they have been separately, is felt by all who are acquainted with the minutes of the examination, to carry with it overwhelming evidence of the truth of their story.

Yours respectfully,
GEORGE E. DAY.

Monday, Oct. 7.

This afternoon, almost the first time in which the two interpreters Covey and Pratt have not been engaged with special reference to the trial to take place in November, one of the captives named Grabeau, was requested to give a narrative of himself since leaving Africa, for publication in the papers. The interpreters, who are considerably exhausted by the examinations which have already taken place, only gave the substance of what he said, without going into details, and it was not thought advisable to press the matter. Grabeau first gave an account of the passage from Africa to Havana. On board the vessel there was a large number of men, but the women and children were far the most numerous. They were fastened together in couples by the wrists and legs, and kept in that situation day and night. Here Grabeau and another of the Africans named Kimbo, lay down upon the floor, to show the painful position in which they were obliged to sleep. By day it was no better: The space between decks was so small,—according to their account not exceeding four feet,—that they were obliged, if they attempted to stand, to keep a crouching posture. The decks, fore and aft, were crowded to overflowing. They suffered (Grabeau said) terribly. They had rice enough to eat, but had very little to drink. If they left any of the rice that was given to them uneaten, either from sickness or any other cause, they were whipped. It was a common thing for them to be forced to eat so much as to vomit. Many of the men, women, and children died on the passage.

They were landed by night at a small village near Havana. Soon several white men came to buy them, and among them was the one claiming to be their master, whom they call *Pipi*, said to be a Spanish nick-name for *Jose*. Pipi, or Ruiz, selected such as he liked, and made them stand in a row. He then felt of each of them in every part of the body; made them open their mouths to see if their teeth were sound, and carried the examination to a degree of minuteness of which only a slave dealer would be guilty.

When they were separated from their companions who had come with them from Africa, there was weeping among the women and children, but Grabeau did not weep, "because he is a man." Kimbo, who sat by, said that he also shed no tears—but he thought of his home in Africa, and of friends left there whom he should never see again.

The men bought by Ruiz were taken on foot through Havana in the night, and put on board a vessel. During the night they were kept in irons, placed about the hands, feet and neck. They were treated during the day in a somewhat milder manner, though all the irons were never taken off at once. Their allowance of food was very scant, and of water still more so. They were very hungry, and suffered much in the hot days and nights from thirst. In addition to this there was much whipping, and the cook told them that when they reached land they would all be eaten. This "made their hearts burn." To avoid being eaten, and to escape the bad treatment they experienced, they rose upon the crew with the design of returning to Africa.

Such is the substance of Grabeau's story, confirmed by Kimbo, who was present most of the time. He says he likes the people of this country, because, to use his own expression, "they are good people—they believe in God, and there is no slavery here."

The story of Grabeau was then read and interpreted to Cingue, while a number of the other Africans were standing about, and confirmed by all of them in every particular. When the part relating to the crowded state of the vessel from Africa to Havana was read, Cingue added that there was scarcely room enough to sit or lie down. Another showed the marks of the irons on his wrists, which must at the time have been terribly lacerated. On their separation at Havana, Cingue remarked that almost all of them were in tears, and himself among the rest, "because they had come

from the same country, and were now to be parted forever." To the question, how it was possible for the Africans, when chained in the manner he described, to rise upon the crew, he replied that the chain which connected the iron collars about their necks, was fastened at the end by a padlock, and that this was first broken, and aftewards the other irons. Their object, he said, in the affray, was to make themselves free. He then requested it to be added to the above, that "if he tells a lie, God sees him by day and by night."

[The above engraving shows the position as described by Cingue and his companions, in which they were confined on board the slaver, during their passage from Africa. The space between the decks represented in the engraving is three feet three inches, being an actual measurement from a slave vessel. The space in the vessel that brought the Amistad captives to Havana was, according to their statement, somewhat larger, being about four feet between the decks.]

On the 7th of January, 1840, the U. S. District Court commened its session in New Haven, Judge Judson presiding. The lawyers in the suit were Messrs. Baldwin, Staples and Sedgewick, for the Africans. Messrs. Isham and Brainard of New London, for Lieut. Gedney. Gov. Ellsworth of Connecticut, in behalf of Capt. Green, and Mr. Cleveland of New London, in behalf of the Spanish owners of part of the property on board of the Amistad, and lastly, Mr. Hollabird, District Attorney, in behalf of the United States. The counsel for the prisoners withdrew the plea which denied the jurisdiction of the court, and acknowledged that if any court in the country could have jurisdiction of the case, this court could. The morning was occupied in discussing technical questions, and the first testimony introduced was on behalf of the prisoners. The deposition of Dr. Madden was read. Messrs. Haley and Janes, of New London, James Covey, the interpreter, and Professor Gibbs, of Yale College, then gave in their testimony, all tending to show that the Amistad captives were recently from Africa. The evidence on this point was so clear, that on the second day of the trial, (Wednesday,) Judge Judson remarked that he was fully convinced that the men were recently from Africa, and that it was unnecessary to take up time in establishing that fact.

Cingue, the leader of the Africans, being called as a witness, Covey, the interpreter, was sworn to interpret the oath to him. The clerk read the oath and Covey repeated it to Cingue in their native tongue. His examination was quite minute, and was listened to by a crowded auditory, with the deepest interest. He testified that at the time of their capture by Lieut. Gedney, a large number of them were on shore, on Long Island. He also gave an account of the voyage to and from Havana, till their capture; and his statements so nearly correspond with the account already given, as to render a repetition unnecessary. While Cingue was on his examination, he described by actions, (which spoke louder than words,) the manner in which Pipi [Ruiz] examined the Africans to ascertain if they were healthy

and sound. He also put himself in the position in which they were forced to remain, when packed away on board the slaver. Grabeau and Fuliwa were then sworn and examined, who also testified to the same facts.

Mr. Wilcox, the U. S. Marshal, was examined relative to a conversation he had with Cingue, soon after the arrival of Covey, (the interpreter.) Mr. Wilcox stated that he understood from Covey, (which he now denies,) that Cingue had said that he had sold slaves, and that he himself was seized and sold to pay a debt which he had contracted, and could not pay. Professor Gibbs and Mr. Day who were present at the time, stated that there was much confusion in the room, arising from many asking questions, &c., and think that Mr. Wilcox must have misapprehended what Cingue said.

On Thursday afternoon, after the examination of Antonio, the slave of the Spanish Captain, the District Attorney introduced the deposition of James Ray, and G. W. Pierce, mariners on board of the cutter, giving a detailed account of the capture of the Africans on Long Island. He then introduced the papers of the Amistad, and the permits given to Montez and Ruiz, for the transportation of *Ladinos* to Principe. The license of Capt. Ferrer to carry slaves was from Gaston, who signed himself a Knight of the Cross, a commander of a 74—bearing various insignia of honor, merit, and reward.

The counsel for the Africans introduced Mr. D. Francis Bacon, of New Haven, as a witness. Mr. Bacon stated that he left the coast of Africa on the 13th of July, 1839. He knew a place called Dumbokoro [Lomboko] by the Spaniards: it was an island in the river or lagoon of Gallinas.* There is a large slave factory or depot at this place, which is said to belong to the house of Martinez in Havana; there are also different establishments on different islands. Mr. Bacon stated that he had seen American, Russian, Spanish, and Portuguese vessels at Gallinas. The American flag was a complete shelter; no man-of-war daring to capture an American vessel. The slave trade on that part of the coast is the universal business of the country, and by far the most profitable, and all engaged in it who could raise the means. Extensive wars take place in Africa, for obtaining slaves from the vanquished. Different towns and villages make war upon each other for this purpose. Some are sold on account of their crimes, others for debts. The slaves are all brought on to the coast by other blacks,

* The following notice from Mr. Bacon, appeared in the New Haven papers, addressed to the editors:

Gentlemen,—In connection with the report of the evidence yesterday given in the case of the Amistad, allow me to state a few circumstances explanatory of the manner in which I became possessed of the facts to which I testified.

I was three times in Gallinas during my long wanderings on the coast of Western Africa;—first, in January, 1838, afterwards, in May of the same year, and last in February, 1839. On each of these visits I was the guest of Don Pedro Blanco, long famous for his large share in the slave trade. From him and all of his agents, and also from those of other establishments, Spanish and Portuguese, in the same business, I received the most unbounded hospitalities. While thus an inmate of their houses, I became familiar with all the details of their business, which was carried on before me in the confidence that I would not abuse their hospitality as a spy; though they had been cautioned that from my connections I might be dangerous in this way.

In the evidence given, I have therefore been careful to make use of no circumstances relating to the traffic of which I was *thus* informed, and which are not facts of common notoriety on the coast among those who have never been at Gallinas. To those Spaniards at Gallinas and New Sesters, I can never forget my numerous and weighty obligations. When the sea threw me, time and again, a houseless and friendless wanderer on their shore, they received and cherished me, and bade me always seek among them a welcome home in distress. They were anxious to supply every want, and their attentive kindness followed me to the last moment of my residence abroad. At the first tidings of my shipwreck they sent a vessel to search for me and my companions, then surrounded by perils on sea and land, and from savages, while British men-of-war, scouring the coast for "*blood-money*," "passed by on the other side," and carried the news to those who had more charity for mariners in distress.

I make this communication, because I consider it unjust both to them and me that my evidence should go forth on any subject connected with them, without accompanying acknowledgment of my *great* indebtedness to those who could liberally tolerate me as a guest and an inmate friend, when they knew my expressed opinions against their occupation.

Yours, D. FRANCIS BACON.

and sold at the slave factories, as no white man dare penetrate into the interior. Some of the blacks who have been educated at Sierra Leone, have been principal dealers in the slave trade.

On Friday morning, the District Attorney, according to an arrangement made with the opposing counsel, read the substance of what Antonio G. Viga, the Spanish Consul, at Boston, said he should testify in this case, viz: that he (Viga) had resided in Cuba many years; knew the laws of Cuba; knew of no law in *force*, against the introduction of slaves into the island; that on some plantations, the native language of the Africans was continued for years; that the papers of the Amistad were genuine. Mr. Janes was then called, who testified that he called on Viga at New London, and asked him when the slave trade was prohibited, or made piracy. He replied he thought it was in 1814, but did not know the penalty.—Here the testimony closed.

Mr. Brainard opened the argument on behalf of the libelants, Lieuts. Gedney and Meade. He contended that whether the Africans were or were not, the lawful property of Ruiz and Montez, the Court could not set them free; crime had been committed on board this Spanish vessel, and this government were bound to deliver up these persons to Spain, that she may execute her own laws. Whether they were delivered up to the Spanish authorities, or to the United States government, his clients had performed meritorious services, for which they were justly entitled to salvage.—Governor Ellsworth, the counsel in behalf of Capt. Green, stated that he could not in accordance with the sentiments he entertained, nor in justice to his client, use the slighest efforts either to have these Africans delivered up to the government of Spain, or to the United States. But if they were to be delivered up, he must claim part of the valuation, for salvage for Capt. Green. He contended that his client had rendered a more valuable and hazardous service than any which Lieut. Gedney and others had rendered, and therefore his right to salvage was paramount to all others.

Mr. Cleaveland followed Gov. Ellsworth, in behalf of certain houses in Cuba, who had been shippers in the Amistad. His arguments were confined to the denial of any right of salvage to Lieut. Gedney and others. Being in the service and pay of the United States, they were bound to render assistance without compensation. Capt. Green, having not in fact saved the vessel and cargo, was not entitled to salvage, as that should be given for saving, not for the *attempt* to save.

On Friday P. M., Mr. Sedgewick opened the cause in behalf of the Africans, and was followed on that side by Messrs. Staples and Baldwin. Mr. B. contended that the Africans being born free, were entitled to their freedom, and that every person is presumed to be a freeman until the contrary is proved. The libelants and the United States claim they were slaves, because licenses have been produced authorizing the transportation of *Ladinos* from one port in Cuba to another, a term totally inapplicable to the Amistad captives. It was perfectly evident from the licenses or permits, that a fraud had been committed upon, or by, the Spanish authorities. The decree of Spain of 1817, prohibits the slave trade after 1820, with heavy penalties, and declares all slaves imported from Africa, after that period, free. These Africans owed no obedience to the Spanish laws. When taken at Long Island, they were in possession of their just rights, having the Spaniards Montez and Ruiz in subjection. If not slaves when they set foot on the soil of New York, they cannot be pronounced slaves now. Mr. B. contended, that the Africans were not held here for any lawful purpose, that no human being could be demanded as property, unless specifically named as such by treaty, and no such treaty had been made with Spain. There was no authority in any officer of any foreign government to enter our limits, and take a person thence. The government refers all applications for the delivery of criminals to the authorities of the several States. The interference of the Spanish minister in this case before the Court, was an insult to the government, and the courts of justice of this country.

On Saturday P. M., Gen. Isham, on behalf of Lieuts. Gedney and Meade,

made the closing argument in the case. In the course of his remarks, he took occasion to say, that his clients authorized him to say that they would never receive salvage on *human* flesh: all they asked for, was, that if the Court decided that the vessel, cargo, and slaves, should be restored to the Spaniards, it should be upon terms that the owners should first pay them a reasonable compensation for services rendered in preserving their property.

On Monday A. M., Jan. 13th, Judge Judson gave a review and decision of this case, which occupied more than an hour in the delivery. The first point his Honor decided upon, was that respecting jurisdiction. It was necessary in order that the Court have jurisdiction of this case, that the seizure must have taken place within the limits of the District of Connecticut, or upon the high seas. The determination of this point, then rested upon the legal signification of the words *high seas*. It appeared in evidence that the Amistad lay in 3½ fathoms of water off Culloden Point, 5 or 6 miles from Montauk Point, not less than half a mile from the shore, and not in any known harbor, bay, river, or port. Excluding these, the high seas extend to low water mark; consequently, the Amistad must have been on the high seas. The well known position of Montauk, adds conclusiveness to the argument, as we all understand that Montauk is a point of land projecting into the *sea*.

The next points decided by his Honor, were those respecting salvage. He stated that the services rendered by Lieut. Gedney, were such as justly entitled him to salvage on the *vessel* and *goods*. The decree would be, that the schooner and her effects be delivered up to the Spanish Government, upon the payment, at a *reasonable rate* for saving the property. An appraisement will be ordered, and one third of that amount will be deemed just and reasonable. The next question was, can salvage be allowed upon the slaves? His Honor here stated that he had in the very outset of the case, decided that the alledged slaves could not be sold. There was no law of the United States nor of the State of Connecticut by which a title can be given under any decree of this Court. Their value in the District of Connecticut was not one cent.

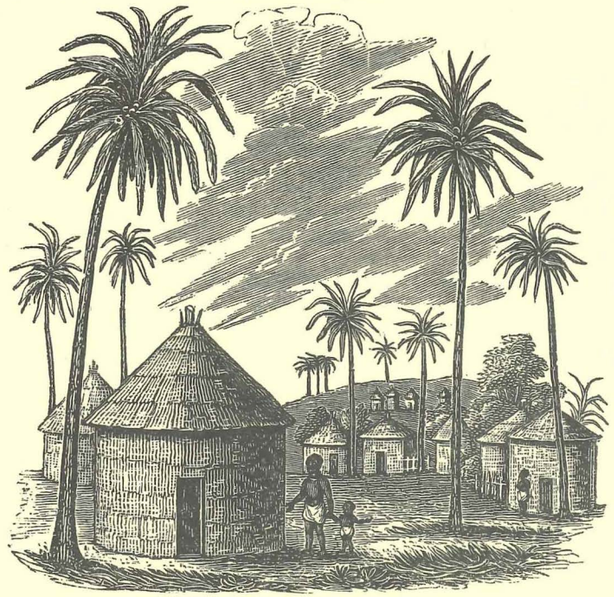
The libel of Messrs. Green and Fordham rested on the claim that they had in effect taken possession of the vessel. His Honor remarked that the facts proved would not sustain this claim, and that therefore their libels must be dismissed. The two great questions still remained to be settled: "Shall these Africans, by a decree of this Court, be delivered over to the Government of Spain, upon the demand of her Minister as the property of Don Pedro Montez and Don Jose Ruiz? But if not, what ultimate disposition shall the Government of the United States make of them?"

In Cuba, there are three classes of negroes, *Creoles*, those born within the Spanish dominions: *Ladinos*, those long domiciliated on the island owing allegiance to Spain, and *Bozals*, the name given to those recently from Africa. The negroes in question are recently from Africa, imported into Cuba in violation of Spanish laws, and bought as slaves by Montez and Ruiz. The demand of the Spanish Minister is, that these Bozals shall be given up, that Montez and Ruiz may have them as their property. In order to justify this demand, and require our Government to give them up, according to our treaty with Spain, it is necessary that *property* and title should be proved. The whole evidence offered in support of this claim is a permit or license to transport 54 *Ladinos*, to Guanaja. But these negroes are *Bozals*, not Ladinos. Here then, is the point upon which this great controversy *must* turn. His honor then stated, that he found as a matter of fact, that in the month of June 1839, the law of Spain, prohibited under severe penalties, the importation into Cuba of negroes from Africa. *These* negroes were imported in violation of that law, and by the same law of Spain, such negroes are declared free, and of course are not the property of Span-

ish subjects. With regard to the boy Antonio he being a Creole, born as he believes in Spain, recognized by the laws of that country as being the property of Ramon Farrer, a Spanish subject, he should decree a restoration of this slave, under the treaty of 1795.

"The question remains, What disposition shall be made of these negroes by the Government of the United States? There is a law of Congress passed the 3d of March, 1819, which renders it essential that all such Africans as these shall be transported under the direction of the President of the United States to Africa.—I shall put in form a decree of this Court, that these Africans, excepting Antonio, be delivered to the President of the United States to be transported to Africa, there to be delivered to the Agent appointed to receive and conduct them home."

The case of the Africans having been appealed by the District Attorney in behalf of the United States, it came before the Circuit Court held at New Haven, April 29th, 1840, Judge Thompson presiding. The counsel for the Africans objected to the appeal, as coming from the Executive of the U. S. who had no interest in the case, and of whom nothing more could be expected than to assist in bringing the case before the proper tribunal. The arguments of both sides on this point occupied the whole of the afternoon. On Thursday morning the Judge gave it as his opinion that the Government have an interest in the case; these Africans are claimed as the property of Spanish subjects, and Spain demands of this Government that they shall be delivered over to her in compliance with our treaty. The Government therefore have a right to conduct the inquiry, and ascertain the facts. He should not therefore refuse the appeal. The point was a perplexing one, and if he should decide against it, an appeal could be carried up to the Supreme Court on this very point, and in case his decision were reversed, the case would come back for a hearing on the main question, and then would again be appealed, and thus the final disposal of the case be needlessly delayed. He therefore chose, as the case would at all events be appealed, to affirm the decision of Judge Judson *pro forma*, and leave the whole case to be decided by the Supreme Court, leaving the case open to the September term of the Court for the parties to agree on the facts as far as they could, and make out a case to be referred to the Supreme Court which sits at Washington in January, 1841.



Village in Mendi, with Palm trees, &c.

[The Africans are now under the daily instruction of a number of young men connected with Yale College, who are learning them to read the English language, and teaching them the plain and important truths of Christianity. In this laudable object, they receive much assistance from James Covey, the Interpreter. By his aid, and that of John Ferry, a native of the Gissi country, a Mendi and Gissi vocabulary has been made by Prof. Gibbs, and is published in the 38th vol. of the American Journal of Science. The above engraving, copied partly from one in Lander's travels, is recognized by the Africans as giving a correct representation of the appearance of villages in their native country.]

[As there has been considerable interest felt by many persons in the moral and religious welfare of the Africans, it is presumed that the following account furnished by Mr. Benjamin Griswold, of the Theological Seminary, will prove interesting. Mr. G. with a number of other young gentlemen connected with Yale College, have deeply interested themselves in the welfare of these captives. Being in the habit of daily intercourse with them as teachers, they possess great facilities in procuring correct information on the subjects here introduced.]

The reader of the preceding pages has observed, that the history of the captives of the Amistad, as given by Mr. Barber, is confined to the circumstances of their capture, the judicial proceedings relative to them, with short biographical sketches. Friends of the Africans have expressed a desire that an article might be added giving an account of the efforts made for their intellectual and moral improvement, and some notice of the manners and customs prevalent in their native country.

Information relative to the Mendi country and people has been obtained from the captives themselves, mostly through an interpreter; of late, however, they have been able to converse in English. I rely with confidence upon their statements, since a long and intimate acquaintance with them and the interpreter justifies me in saying that I regard them generally as men of integrity.

The limits of the Mendi country have not yet been defined with much certainty. Never has it been visited, so far as we know, by a white man. Park's route lay north; Winterbottom's excursions did not extend far enough into the interior; the Messrs. Landers passed to the south and east. These Africans tell us that they never saw a white man in their country. In attempting to tell one of the teachers how he would be treated if he should return with them—at first they showed signs of fear, then cautiously returned, and presently ventured to touch his clothes and hands, and soon proceeded to a minute investigation.

When winter came, they appeared surprised, not so much at the sight of snow, as at its depth. Inquiry was made if they had ever seen it in their native land. "Yes," was the reply, "*little, little, little,*" accompanying the word with a sign of the same import, and adding, "*water, water, water.*" That is, a very little snow falls, but very soon changes its form to water. This leads us to suppose their country mountainous and probably healthy.

Their government appears to be despotic, and the power goes down from father to son by hereditary descent. Each town appears to have a chief of its own. Attempting once to explain to Cingue the nature of our government, when in answer to his inquiries I informed him that our "*great man*" was not great man for life, but was elected once in four years, he seemed not a little astonished; surprise however soon gave way to boisterous laughter at my expense, in which nearly all his companions joined. The ideas of a democracy, and rotation in office, seemed to him new, strange, and ridiculous. The king receives his support from the contributions of his people. At the appearance of each new moon, they bring their offerings, the rich and the poor, according to their ability.

The apparel of both sexes is the same—the difference consists in the manner of wearing it. The man throws one end of his blanket (as it may perhaps be called) *over* the left shoulder *forward*, the other end is brought around under the right arm and thrown backward over the same shoulder, leaving the right shoulder and arm uncovered. The cloth thus used, being three or four feet wide and two or three yards long, reaches nearly to their feet, and, with the exception just mentioned, envelopes the whole person. The female makes this same garment fast around the waist, and so leaves

herself partially unprotected. In youth the dress of both sexes consists merely of a small piece of cloth like a handkerchief fastened around the waist. In childhood till eight or ten years of age, no clothing is worn. The dress of their "*great man*" differs only in this, that his consists of "*plenty, plenty*" of cloth.

Ornaments are much esteemed; the natives adorn themselves with strings of beads, shells, and the like. These tied around their wrists, arms, and ankles, produce in their estimation a very pleasant rattling, when they walk or dance. Many submit to the painful process of tattooing. The breasts and arms of some of the captives display in every part the incision of the knife; both sexes practice this custom in Mendi. We inquired the reason, and received for reply, "*to make them proud,*" i. e. to make them beautiful.

Another custom extensively prevalent on the western coast of Africa is common to them. No observing person can have visited these men without noticing the want of one or two front teeth from the upper or under jaw, or from both. A friend inquired how they were extracted; he was informed that a knife was inserted between the teeth; thus the one they wished to extract is loosened and removed. Sometimes two standing adjacent are cut down so as to leave an opening between them in the form of V, and is done with great skill. The papers designated one of the captives by the name of *cannibal.* The only reason for this appellation is, that his teeth, according to our notions, not being very well arranged, and a degree of emaciation leaving him but a skeleton, made him in fact a frightful object. Some of the front teeth of Konomo have been extracted, others have been sharpened, and made to project from his mouth like tushes. The tooth is pointed thus: a knife is placed upon it on the outside; some hard substance, as a stone or billet of wood, being held against it on the inner side, the knife then receives a blow, and a part of the tooth is thus chipped off. This operation continues till the object is accomplished. This being the manner, he asked the reason. To this question was replied, "*to make the ladies love him.*" It is proper to add, that the captives without distinction appear filled with horror at the idea of feasting upon human flesh.

Their food consists of a great variety of vegetables and fruits, as corn, rice, different kinds of nuts, and flesh furnished by their flocks, herds, and poultry. Of milk they never taste, nor is it drawn from the cow; when informed that it was much esteemed and extensively used among us, they appeared greatly amused, and one observed joking, "*white* man, little cow, eat milk." Reptiles, as snakes and frogs, sometimes form a part of their diet. No animals are used as beasts of burden; the traveller journeys on foot, and the trader transports his articles of traffic upon his back.

Polygamy exists among them. The remark was made by them to one of their friends that in case he returned with them, he should have ten wives, expressing thus the honorable station he would probably hold. Matrimonial matters are managed somewhat after this manner. The gentleman calls upon the lady that pleases him, and presents her some small gift; if she does not feel inclined to encourage his attentions, she refuses its acceptance, and the matter is at an end. But if she receives it, thereby expressing satisfaction with the giver, she carries it after his departure to her parents; they hold a consultation, and if they approve, the suitor is made acquainted with the fact at a subsequent call; then or soon after he makes a present to the parents, and takes the daughter. In case the parents are dissatisfied, it is the lady's duty to return the gift, and this closes the negotiation. In Mendi

the woman is made to feel herself inferior to her husband. Seldom does she eat at the same time. To use the language of one of the captives, "man come, eat, eat—go; then woman come, eat, eat—go." Cingue says that his wife eats at the same table and time with himself. The wife attends to the concerns of the house, and sometimes aids her husband in cultivating and often in securing his grain, especially his rice.

The form of a Mendi dwelling is exhibited in the engraving on the 24th page. Circular walls, frequently of mud or clay hardened by the sun, roof thatched with leaves or covered with turf, without windows or chimney. The fire is kindled in the center, and the smoke finds its way out through the single door with which each house is provided.

Their funeral customs resemble much those prevalent among other tribes in Africa. Soon after a person dies, the body is wrapped in a mat, an article somewhat like cloth, made from the fibrous bark of a certain tree that grows in their country; in this, without any coffin, the body is carried out at evening, within two or three days after the decease, and deposited in a place set apart for this purpose with the head always lying to the west. The funeral is attended with weeping and mourning, so loud that the stillness attending exercises of this kind among us seems to them surprising, and to be accounted for only on the ground of insensibility.

The body deposited in the ground, it lies undisturbed, if that of a man till the second day; if a woman, till the third. The reason for this difference is that "*man was before the woman.*" Going to the grave often in great numbers, they remove the earth at the head of the corpse and deposit a vessel filled with food, prepared for this purpose. In it is first placed boiled rice, and palm-oil is then poured upon it; again rice and palm-oil, and so on until the vessel is nearly full. At last the flesh of some animal is added; a spoon is placed in it; a mat thrown over it, and thus is it conveyed and deposited at the head of the deceased friend. "Why this?" was asked. "Because the person is hungry," was replied. "But do you suppose the body will again come to life, and so want the food?" "No, but the spirit is hungry." "How do you know?" "It comes and says so if it is not thus provided for." Often the chief issues his commands, and vast multitudes assemble from the distance of miles even to attend this ceremony. This custom, however, does not prevail in *every* village.

This account having been given by some of the captives, others were called and asked if it was true. One replied that such ceremonies were not common where he lived. The observation was then made, *you* say "*yes,*" and *you* say "*no,*" here is a contradiction; do you both tell the truth? Fuli after a moment's delay replied, "*Merica all, all, all,*" extending his right hand and turning round through half a circle, "so *Mendi, all, all, all,*" accompanying the words with the same gesture and motion of the body. The idea he wished to convey was this: "America is a great country, so is Mendi; and because a custom is prevalent in *one* part of it, it is not necessary to conclude that it is universal." The explanation was satisfactory. Nothing has occurred of special interest at the funerals which have taken place since their arrival in New Haven. It has been said that Shuma addressed his companions as they were standing around the dead body of Tua. The interpreter informs us that it was merely the remark that "Tua was dead—God had taken him," &c. They naturally feel themselves restrained, being among and in the hands of those whose manners and institutions are so entirely unlike their own.

At the funeral of Kaperi, a number of the clergymen from the city were present. Prayer was offered in the room, and remarks made, the substance of which was, "Ka-pe-ri is dead. His body is still, and will be laid in the ground. The soul of Ka-pe-ri is alive. It will never die. Our souls will never die. They will live after our bodies are dead and cold. The Bible tells us how our souls may go to the good place. You must learn to read the Bible. Pray to God, become good, and then when your bodies die, God will take your souls to the good place, and make you happy forever." To this they listened with serious attention. Accompanied by a large number of citizens, they then walked in procession to the grave, when a hymn was read and sung, and a prayer offered by Mr. Bacon. In all these exercises the captives appeared interested and solemn.

The Mendi language, so far as we have been able to learn, has never been reduced to writing, nor have the natives characters by which they retain and transmit a history of passing events. Since the captives have been in New Haven, efforts have been made to improve their minds and hearts, by some gentlemen connected with the theological seminary. From two to five hours each day have been spent in imparting instruction. At first their progress was slow and attended with some difficulties. They had been accustomed neither to the requisite effort of mind nor fixedness of attention.

In the first attempts to teach them the English language, the picture of some animal, as a dog or horse, was presented to them, its name was mentioned, and they required to repeat it after their teachers; then was added another and another, their names told in the same way, and repeated till they could readily distinguish one from the other. Then we showed the names printed on separate cards in large characters, directing their attention to the picture at the same time. Very soon we found them able to select and join each picture to its name. This process was continued for some time before we attempted to teach them the letters. When they began to read, it became necessary to explain the meaning of every word. They manifested so deep an interest, that though progress was slow, yet it was perceptible, and labor was pleasant. Sometimes they complained because we did not come earlier, and refused consent to our departure when, at noon or night, it became necessary for us to leave. Their interest still continues, and never perhaps was it greater than at the present time. Not unfrequently in their desire to retain their teacher through the day, they attempt even to hold him, grasping his hands and clinging to his person, and individuals offer to give him their own dinner on condition of his remaining. Sometimes they may be found gathered in two or three groups, all reading and aiding each other. While the teacher is hearing one class, the interpreter is engaged in the same duty with another, and one of the most advanced among the captives gives instruction to another, and thus employed will they sit quietly for hours in the most patient, persevering effort to learn "*Merica.*" Especially do they seem anxious to learn that they may read the Bible—this is the great desire of their hearts.

Their improvement is as great as could be expected. Some of them can read in the New Testament. Their situation has been peculiarly unfavorable to progress in speaking the English language. They have been confined exclusively by themselves, and intercourse with each has been in their native tongue. Yet they can converse with one upon any subject with which both have some acquaintance.

One of the most serious obstacles with which we have had to contend is the anxiety occasioned by the uncertainty that hangs over them in respect to the future. They appear much distressed at the idea of going to Havana.

Especial attention has been given to their moral improvement since they have been in New Haven. We have sought to make them acquainted with the vital truths of Christianity, and though we cannot say that they are Christians, yet we can say that they have, some of them at least, manifested a deep interest in the subject of religion.

The system of religion prevalent in their native country appears to be the Fetisch. They reverence the cotton tree. The inquiry was made if they paid their devotions to it because they supposed the *tree* could do them good or evil. The reply was in the negative; but they added that there was a "spirit in it," and they worshipped him that "*they might be well.*" They regard him however as a good deity. His favor is secured by suspending some offering, a fowl perhaps, to the limb, or placing the same at its roots.

The mountain too receives their homage. Worship in this instance consists in praying at its foot, and in depositing a dish of boiled rice or flesh—something that serves the purposes of food. The spirit dwells on the mountain. Water too, or the genius of the stream, has a place among their deities. Respecting the ceremonies of their religion we do not feel confident, for neither Cingue nor any of his companions can give us any other than hear-say information. In such services they never took part—they were too *young;* only the *aged* perform the duties of religion.

Their teachers have religious exercises with them daily. In the morning on their arrival they assemble for prayers—if the room is sufficiently capacious they kneel. The teacher offers his petitions in English, the interpreter translates sentence by sentence, and the captives respond in Mendi. A prayer has been composed and translated into their language, which, in case of the interpreter's absence, is sometimes read by the teacher and repeated by them. Of this prayer I give a few of the first sentences. *O ga-wa-wa,* O great God; *bi-a-bi yan-din-go,* thou art good; *bi-a-bi ha-ni gbe-le ba-te-ni,* thou hast made all things; *bi-a-bi fu-li ba-te-ni,* &c., thou hast made the sun, &c. After prayers, sometimes an half hour is spent in attempting to impress religious truth upon the heart. At this exercise the captives are attentive and solemn, the season is frequently of great interest. On the Sabbath we have one, usually two exercises with them. They ever appear interested in listening to the truths of the word of God. One Sabbath, on account of the absence of the interpreter, the teacher was obliged to dispense with the usual exercises; he left, and Cingue assembled his companions and conducted the service himself. Many of them in their troubles and fears are driven to the throne of grace. A lady in the family of the jailer informs me that the little girls even are mindful of their hours for devotion, and that too when the duty is not pressed upon them by the example of others.

When listening to an explanation of the nature of an oath, on being informed that God would visit the man who violated it with his displeasure, they very naturally inquired, "What will be done to the people of the United States if they send us back to Havana?"

For those who have sought to do them good, and have proved themselves friends, they feel an affection that displays itself in a thousand ways.

The scene when information was given to them relative to the decision of the District Court, was publicly noticed at the time. They were assembled and seated in a commodious room—they knew that their case was pending—

some of them had been called to testify in court—they were of course deeply anxious for the event. All being present and quiet, they were informed that the judge had decreed their return, not to Havana, but to their native land. They leaped from their seats, rushed across the room, threw themselves prostrate at the feet of those who brought them the glad tidings, while "*thank you, thank you,*" was the expression of every tongue.

The succeeding day Mr. Baldwin, one of their counsel, entered the jail. Cingue was seated behind a table, and members of his class on either side of him. As Mr. B. approached, Cingue was told that he pleaded his cause; said it would be wrong to send him to Havana. He dropped his book, rose from his seat, seemed for a moment deliberating whether he should leap the table. Seeing this to be attended with difficulty, he reached forward, and seizing the extended hand of Mr. B. with a firm grasp, and looking him in the face, his own countenance beaming with the most grateful emotion, exclaimed, "We thank you, we bless you, this is all we can do for you."

During the winter, one of the teachers was called from the city. After an absence of nearly two weeks, on his return he visited the captives, and the reception he received can never be forgotten by him so long as memory records one event of the past. The first who met him threw his arms around his body, and clasped him to his bosom. Freed from his grasp, he was soon met by others. Some were reading, some on their couches—all rose as soon as his name was announced, left books and beds, and rushing into the room gathered around, a dense mass, all striving to reach him; some threw their arms around his body, some around his neck, some seized his arms, some pressed his hands, and all cried out, "*good, good,* Mr. —— come, Mr. —— come, good, good." Their friend laughed and shouted with them, overcome by this effort to express their joy. Such an outburst of grateful affection we never witnessed before. After quiet was restored, one observed, "when we see you, all of us act like children."

One of their friends received a message from Cingue requesting him to call at the jail, for some of their number had been guilty of faults which ought to be corrected. He went; Cingue said that two of the captives took liberties which he regarded as stealing; that the rest of them were innocent and disapproved of their conduct, and that they wished the two put into a room by themselves. One of the culprits was summoned and questioned; he confessed his crime, and gave assurances of better conduct, in accordance with which, so far as I know, he has acted ever since. "O!" exclaimed Fuli, who was standing by, "I cannot tell how much I hate a thief." "But why," said the friend, "would *you* refuse to steal?" "Because it is wrong." "But suppose you were hungry?" "Then I would beg." "Suppose no one would give you?" "*Then I would die,*" was his decided answer. We know not that we have reason to question his sincerity.

After the decision of the District Court, previous to the appeal, their immediate return to Africa was confidently expected by themselves and their friends. They expressed a very warm desire that some of their teachers should go with, to instruct them and their people. Said Burna, addressing one of their friends, and speaking the feelings of many, "If we should be compelled to return without you, we shall all cry; but if you will go with us then shall we all laugh." It was asked how they would treat him. They replied that they would "give him a house and abundance of food, take the best care of him, and not let him be sick." But, said the teacher, though we go by water to Sierra Leone, from thence we shall be under the necessity

of making our journey on foot, since no horses go into your country. Now in case I become wearied, what shall I do? how will you dispose of me?

For a moment they seemed perplexed. Cingue soon rose from his seat—called for a blanket—tied the corners of each end together—then putting the broom handle through under the knots—placed one end upon his own shoulder, rested the other upon that of one of his companions, then thrusting his hand into the blanket, and crying out, "*Mr. —— in there, Mr. —— in there,*" commenced his march. This I doubt not is a faithful expression of the feeling of their hearts. A friend might trust his safety in their hands with the most perfect confidence, not doubting that they would sacrifice their own lives before they would abandon one whom they respected and loved. "Should I go with you," said the teacher, "what good could I do you?" "Teach us, our brothers, sisters, and children," was replied. "But," said the teacher to test their affection, "if I go I must teach you truth. The Bible says that a man must have but *one* wife; will you put away *all* but *one?*" All said, yes. "Well," said the teacher, "suppose I accompany you, since you do not reside in the same town what will you do? I cannot go all over your country—with whom shall I live?" This difficulty was very speedily removed, and one replied, "You may go with whom you please. If you should return with Cingue, we would visit our parents a few days, and then remove with our wives and children, brothers and sisters, to your place of residence, that we might avail ourselves of your instruction."

These men deserve sympathy—they ought to have protection. Let me ask in their behalf, means to carry on their defense; let me ask the prayers of those who care for them and the perishing millions of Africa, that God will so order events as to deliver them from the bloody grasp of the executioner, and that they may return missionaries to their native land to proclaim there the truth of the everlasting Gospel.

[The following facts relative to the case of the Africans are derived from Document No. 185, published in accordance with a resolution of Congress, passed March 23d, 1840, calling on the President for information, &c.]

On the 6th of Sept. 1839, Mr. Calderon, the Spanish Minister at New York, addressed a letter to the Secretary of State, (Mr. Forsyth,) asking that the Amistad, her cargo, including the slaves, should be immediately delivered up without salvage, in accordance with the treaty of 1795. He expresses his fears that if the slaves are not delivered up to the Spanish authorities to be punished for their crimes, it "would endanger the internal tranquillity and the safety of the Island of Cuba," &c—that it would interrupt the good feeling now existing between the people of that island and those of the United States. Mr. Holabird, the U. S. District Attorney, in a letter to Mr. Forsyth, dated Sept. 5, says, "the next term of our Circuit Court sits on the 17th instant, at which time I suppose it will be my duty to bring them to trial, unless they are in some other way disposed of." In a letter dated Sept. 9, he thus writes, "I would respectfully inquire, sir, whether there are no treaty stipulations with the government of Spain that would authorize our government to deliver them up to the Spanish authorities; and if so, whether it could be done before our Court sits?" The Chevalier de Argaiz (the successor of Mr. Calderon) addressed a letter to Mr. Forsyth, Nov. 26, 1839, in which he complained that the treaty of 1795 had not been executed; that great injury had been done to the owners, "not the least being the imprisonment which Don Jose Ruiz is now undergoing;" that "no indemnification can fully recompense for the evils, physical and moral, which the persecutions and vexations occasioned by fanaticism may cause to an honorable man." Another letter was addressed by him to the Secretary, Nov. 29, stating that the injuries of which the negroes complain, should be redressed in Cuba, and by "no means" by the Courts of the United States.

Mr. Forsyth, in a letter of Jan. 6, 1840, to the Chevalier de Argaiz, states that the President "will cause the necessary orders to be given for a vessel of the United States to be held in readiness to receive the negroes and convey them to Cuba, with instruc-

tions to the commander to deliver them up to the Captain General of the island. The President has the more readily been inclined to accede to your request in this particular, on account of one of the leading motives which prompted you to make it; that the negroes, having asserted before the Court of Connecticut that they are not slaves, may have an opportunity of proving the truth of their allegation before the proper tribunals of the island of Cuba, by whose laws alone, taking in connection with circumstances occurring before the arrival of the negroes in the United States, the question of their condition can be legally decided."

On the 6th of January, 1840, Mr. Forsyth, in a letter to the District Attorney says, "the President has, agreeable to your suggestion, taken in connection with the request of the Spanish Minister, ordered a vessel to be in readiness to receive the negroes from the custody of the Marshal as soon as their delivery shall be ordered by the Court." The following is the warrant of the President for this purpose.

"The Marshal of the United States for the district of Connecticut, will deliver over to Lieut. John S. Paine, of the U. S. Navy, and aid in conveying on board the schooner Grampus, under his command, all the negroes, late of the Spanish schooner Amistad, in his custody, under process now pending before the Circuit Court of the United States for the District of Connecticut. For so doing, this order will be his warrant. Given under my hand, at the city of Washington, this 7th day of January, A. D. 1840.

M. VAN BUREN.

By the President: JOHN FORSYTH, *Secretary of State.*"

It appears by the following extract of a letter from Mr. Holabird to Mr. Forsyth, dated Jan. 11, that there was a mistake in this warrant.

"*Sir*—Lieut. Paine has shown me the Executive warrant to the Marshal of this District for the delivery of the negroes of the Amistad, in which it is stated that they are now holden in custody under a process from the "*Circuit Court;*" and also, in his instructions, the same term is used. They are not holden under any order of the Circuit Court, but under an order from the *District Court*, and should have been so stated in the warrant and instructions. Should the pretended friends of the negroes obtain a writ of habeas corpus, the Marshal could not justify under that warrant."

The following is the reply of the Secretary to Mr. Holabird.

"[CONFIDENTIAL.] *Department of State, Jan.* 12, 1840.

Sir—Your letter of the 11th instant has just been received. The order for the delivery of the negroes of the Amistad is herewith returned, corrected agreeably to your suggestion. With reference to the inquiry from the Marshal, to which you allude, I have to state, by direction of the President, that if the decision of the Court is such as is anticipated, the order of the President is to be carried into execution, unless an appeal shall actually have been interposed. You are not to take it for granted that it will be interposed. And if, on the contrary, the decision of the Court is different, you are to take out an appeal, and allow things to remain as they are until the appeal shall have been decided. I am, sir, your obedient servant, JOHN FORSYTH."

Memorandum from the Department of State to the Secretary of the Navy.

"DEPARTMENT OF STATE, Jan. 2, 1840.

"The vessel destined to convey the negroes of the Amistad to Cuba, to be ordered to anchor off the port of New Haven, Connecticut, as early as the 10th of January next, and be in readiness to receive said negroes from the Marshal of the United States, and proceed with them to Havana, under instructions to be hereafter transmitted.

"Lieutenants Gedney and Meade to be ordered to hold themselves in readiness to proceed in the same vessel, for the purpose of affording their testimony in any proceedings that may be ordered by the authorities of Cuba in the matter.

"These orders should be given with special instructions that they are not to be communicated to any one."

There is in the document from which the foregoing is taken, a letter from Messrs. Staples and Sedgwick, dated Sept. 13, addressed to the President, stating the facts of the case, and praying that the Africans may not be given up to the Spaniards till their claim is substantiated in a court of justice. In answer, or in consequence of this, there is a letter addressed to Mr. Forsyth, giving the opinion of the Attorney General, who says, that after a due consideration of the case, he has come to the conclusion that the Amistad captives ought to be given up to the Spaniards. This letter has no signature, nor no date but 1839. In the document, the Spanish passport with a translation is given: the word "*Ladinos*" is incorrectly translated "*sound negroes.*" (See p. 18.)

Tax-Free Life Income Plan Will Benefit Society

A Pooled Income Fund has been established by a local bank, serving as a receptacle for deferred gifts to the New Haven Foundation. Donors contemplating a bequest to the New Haven Foundation for whatever purposes are encouraged to consider instead a capital gift to this Fund, which will yield income to the donor for his or her lifetime before reverting to the Foundation.

A long-time friend of the New Haven Colony Historical Society recently furnished generous future support for the Society in this way, transferring capital to the Pooled Income Fund for the eventual benefit of the Society via the New Haven Foundation. He, meanwhile, enjoys the income, while taking advantage of special tax benefits under current IRS regulations.

These benefits can be explained to anyone interested in helping the Society with a future gift of endowment.

Mrs. Frank C. Hepler
Chairman, Development Committee

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